IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

THE UNITED STATES OF AMERICA, Plaintiff,	)	JUDGE O'MALLEY
V.	)	CIVIL ACTION NO. 1:05CV1915
DEGUSSA INITIATORS, LLC Defendant.	)	

COMPLAINT

The United States of America, by the authority of the Attorney General and through its undersigned attorneys, acting at the request and on behalf of the Administrator of the United States Environmental Protection Agency ("EPA"), alleges as follows:

INTRODUCTION

1. This is a civil action brought pursuant to Sections 309(b) and (d) of the Clean Water Act ("CWA" or the "Act"), 33 U.S.C. §§ 1319(b) and (d), for injunctive relief and the assessment of a civil penalty against Degussa Initiators, LLC. for violations of the provisions of Sections 307(d) and 308 of the Act, 33 U.S.C. §§ 1317(d) and 1318.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to Section 309(b) and (d) of the CWA, 33 U.S.C. §§ 1319(b) and (d), and 28 U.S.C. §§ 1331, 1345, and 1355.

3. Venue is proper in this district pursuant to Section 309(b) of the CWA, 33 U.S.C. § 1319(b), and 28 U.S.C. §§ 139Kb), (c), and 1395(a), because the defendant resides and conducts business in the district and because the alleged violations occurred in this district.

NOTICE

4. Notice of the commencement of this action has been given to the Ohio Environmental Protection Agency ("Ohio EPA"), as required by Section 309(b) of the Act, 33 U.S.C. § 1319(b).

DEFENDANT

5. Defendant Degussa Initiators, LLC. ("Degussa") is a corporation organized under the laws of the State of Delaware and authorized to do business in the State of Ohio. At all times relevant to this action, Degussa has owned and operated an organic peroxides manufacturing plant (the "Degussa facility") located at 555 Garden Street, in Elyria, Lorain County, Ohio.

STATUTORY AND REGULATORY BACKGROUND

6. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits any "discharge of a pollutant," as defined in Sections

502(6) and (12) of the CWA, 33 U.S.C. §§ 1362(6) and (12), by any person unless such discharge is in compliance with, among other provisions, Sections 301 and 307 of the CWA, 33 U.S.C. §§ 1311 and 1317.

7. Section 307(b) and (c) of the CWA, 33 U.S.C. §§ 1317(b) and (c), directs the Administrator of U.S. EPA (the "Administrator") to promulgate pretreatment standards for categories of new and existing sources that introduce pollutants into publicly owned treatment works ("POTWs").

8. Section 307(d) of the CWA, 33 U.S.C. § 1317(d), provides that after the effective date of any pretreatment standard, it shall be unlawful for any source to operate in violation of such standard.

9. Pursuant to section 307(b) of the CWA, 33 U.S.C. § 1317(b), on November 5, 1987, the Administrator promulgated categorical pretreatment standards governing discharges of pollutants from sources that manufacture Organic Chemicals, Plastics, and Synthetic Fibers ("OCPSF"). These standards are codified at 40 C.F.R. Part 414.

10. The OCPSF Pretreatment Standards include standards applicable to sources that discharge wastewater from the manufacture of specialty organic chemicals. These standards, found in Subpart H of 20 C.F.R. Part 414, limit the quantity of various pollutants that may be discharged to a POTW in process

wastewater from an existing source's manufacture of all Standard Industrial Code ("SIC") 2865 and 2869 organic chemicals and organic chemical groups not defined as commodity or bulk organic chemicals in 40 C.F.R. §§ 414.60 and 414.70, respectively. These pretreatment standards establish daily maximum mass limits and monthly average mass limits for discharges to POTWs of several pollutants, including, inter alia, methyl chloride, bis(2-ethylhexyl) phthalate, 1,2-trans dichloroethylene, and DNB phthalate.

11. Pursuant to Section 307(b) of the CWA, 33 U.S.C. § 1317(b), on January 28, 1981, the Administrator promulgated General Pretreatment Regulations for Existing and New Sources of Pollution. These regulations, which are codified at 40 C.F.R. Part 403, require, inter alia, that POTWs with design flows greater than five million gallons per day develop pretreatment programs which establish specific effluent limits for the POTW s industrial users ("IU"). These programs are designed to implement the prohibitions in 40 C.F.R. § 403.5 against introducing pollutants into a POTW which cause pass through or interference with the POTW's treatment processes or operations.

12. Pursuant to 40 C.F.R. § 403.10, U.S. EPA delegated its authority to approve pretreatment programs for POTWs in the State of Ohio to the Ohio EPA on July 27, 1983. Consequently, Ohio EPA is the "approval authority" as that term is defined at

40 C.F.R. § 403.3.

13. The City of Elyria, Ohio operates a POTW as that term is defined in 40 C.F.R. § 403.3(o).

14. Pursuant to the requirements in 40 C.F.R. § 403.8, the Elyria POTW developed and submitted a pre-treatment program to the Ohio EPA. On March 29, 1985, the Ohio EPA approved the Elyria POTW pretreatment program. By reason of this approval, the Elyria POTW is the "control authority" as that term is defined in 40 C.F.R. § 403.12(a).

15. Approved POTW pretreatment programs are required, among other things, to develop and enforce specific effluent limits for the POTW's industrial users, in accordance with 40 C.F.R. § 403.5(c). These limits are deemed pretreatment standards for purposes of Section 307(d) of the CWA, 33 U.S.C. § 1317(d).

16. The Elyria POTW's approved pretreatment program includes the sewer use ordinance found in Chapter 932 of the Codified Ordinances of the City of Elyria (the "Elyria POTW Ordinance").

17. In accordance with 40 C.F.R. § 403. 403.5(c) and the Elyria POTW Ordinance, the Elyria POTW developed specific effluent limits which, together with the categorical limits, were incorporated in the Industrial User ("IU") permits issued to the Degussa facility by the Elyria POTW for the periods April 1,

1997-May 2, 2000, May 3,2000-May 2, 2003, April 7, 2003-April 6, 2005 respectively. Copies of these permits are attached hereto as Exhibit A.

18. Degussa's IU permits include mass and/or concentration based daily maximum and/or monthly average limits for the pollutants biological oxygen demand ("BOD"), chemical oxygen demand ("COD"), total suspended solids ("TSS"), oil & grease, ammonia-nitrogen, and mercury.

19. Pursuant to 40 C.F.R. § 403.5(d), such effluent limits developed by a POTW in an industrial user' s permit are deemed pretreatment standards for purposes of Section 307(d) of the CWA, 33 U.S.C. § 1317(d), and, therefore, are federally enforceable.

20. Pursuant to 40 C.F.R. § 403.12(e), any IU subject to a categorical pretreatment standard is required to submit periodic reports to the control authority indicating the nature and concentration of pollutants in its effluent.

21. Pursuant to 40 C.F.R. § 403.12(g)(1), periodic reports required under 40 C.F.R. § 403.12(e) must contain the results of sampling and analysis of the industrial user's discharge, including the flow and the nature and concentration of pollutants contained therein.

22. 40 C.F.R. § 403.12(g)(3) provides that reports required under 40 C.F.R. § 403.12(e) shall be based upon data

obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. Pursuant to the regulation, the control authority shall require whatever frequency of monitoring is necessary to assess and assure compliance by IDs with applicable pretreatment standards and requirements.

23. 40 C.F.R. § 403.12(g)(4) requires that all analyses shall be in accordance with the procedures contained in 40 C.F.R, part 136.

24. Section 308 of the Act, 33 U.S.C. § 1318, provides that to determine compliance with pretreatment standards, the Administrator shall require record-keeping, reporting, and monitoring by the owner or operator of any point source.

25. Sections 309(a)(3) and (b) of the CWA, 33 U.S.C. § 1319(a)(3) and (b), authorizes the Administrator to commence a civil action in the federal district court for appropriate relief, including a temporary or permanent injunction and/or assessment of a civil penalty, when she or he finds that any person is in violation of Sections 301, 307 or 308 of the Act, 33 U.S.C. §§ 1311, 1317, or 1318.

26. Section 309(d) of the CWA, 33 U.S.C. § 1319(d) provides that violators of the Act shall be subject to a civil penalty not to exceed $25,000 per day. Pursuant to 37 U.S.C.

§ 3701, the Administrator adjusted this penalty for inflation, to $27,500, as codified at 40 C.F.R. Part 19.

GENERAL ALLEGATIONS

27. Degussa is a "person", as that term is defined at Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

28. The Degussa facility was constructed in 1969.

29. The Degussa facility manufactures organic peroxides, which constitute a SIC 2869 organic chemical not defined as commodity or bulk chemicals under 40 C.F.R. §§ 414.60 and 414.70.

30. The Degussa facility discharges "process wastewater" to the Elyria POTW as that term is defined in 40 C.F.R. § 401.11(p).

31. The Degussa facility is a "source" within the meaning of Section 307(d) of the CWA, 33 U.S.C. § 1317(d).

32. Degussa is an "owner or operator" of a source as those terms are defined in Section 306(a)(4) of the Act, 33 U.S.C. § 1316(a)(4).

33. The Degussa facility is a "point source" as that term is defined at Section 502(14) of the CWA, 33 U.S.C. § 1362.

34. The Degussa facility is, and at all pertinent times has been, an "industrial user" of the City of Elyria POTW, within the meaning of Section 502(18) of the CWA, 33 U.S.C. § 1362(18), and 40 C.F.R. § 403.3(h).

35. Pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, U.S. EPA issued an Information Request to Degussa on or about March 20, 2001, to determine the status of the Elyria plant's compliance with applicable CWA pretreatment standards.

FIRST CLAIM FOR RELIEF

(Pretreatment Violations—40 C.F.R. §§ 414.85 and 414.111)

36. Paragraphs 1-35 are realleged as if set forth here in full.

37. On various days beginning on March 13, 1998, Degussa discharged effluent into the Elyria POTW possessing the characteristics and numerical levels specified in Exhibit B (Table of Effluent Violations) to this Complaint.

38. Degussa's discharges to the Elyria POTW during the days listed in Exhibit B exceeded the applicable daily maximum and/or monthly average limits contained in 40 C.F.R. §§ 414.85 and 414.111 for methyl chloride, bis(2-ethylhexyl)phthalate, 1,2-trans dichloroethylene, DNB phthalate.

39. Degussa's exceedances of the daily maximum and monthly average limits in 40 C.F.R. §§ 414.85 and 414.111 constitute violations of a pretreatment standard and, accordingly, are violations of Section 307(d) of the CWA, 33 U.S.C. § 1317(d).

40. Pursuant to Section 309(d) of the CWA, 33 U.S.C. § 1319(d), and 40 C.F.R. Part 19, Degussa's violations of Section

307 of the CWA, 33 U.S.C. § 1317, subject it to civil penalties not to exceed $27,500 per day for each violation.

41. Unless restrained by an order of this Court pursuant to Section 309(b) of the CWA, 33 U.S.C. § 1319(b), Degussa will continue to violate 40 C.F.R. §§ 414.85 and 414.111 at its facility.

SECOND CLAIM FOR RELIEF

(Pretreatment Violations — 40 C.F.R. § 403.5(d))

42. Paragraphs 1-35 are realleged as if set forth here in full.

43. On various days beginning on March 13, 1998, Degussa discharged effluent into the Elyria POTW possessing the characteristics and numerical levels specified in Exhibit B (Table of Effluent Violations) to this Complaint.

44. Degussa's discharges to the Elyria POTW during the days listed in Exhibit B exceeded the applicable daily maximum and/or monthly average limits contained in the Degussa facility's IU permits for BOD, COD, TSS, oil & grease, ammonia-nitrogen, and total mercury.

45. Degussa's exceedances of the daily maximum and monthly average limits imposed by its IU permits constitute violations of a pretreatment standard and, accordingly, are violations of Section 307(d) of the CWA, 33 U.S.C. § 1317(d).

46. Pursuant to Section 309(d) of the CWA, 33 U.S.C.

§ 1319(d), and 40 C.F.R. Part 19, Degussa's violations of Section 307 of the CWA, 33 U.S.C. § 1317, subject it to civil penalties not to exceed $27,500 per day for each violation.

47. Unless restrained by an order of this Court pursuant to Section 309(b) of the CWA, 33 U.S.C. § 1319(b), Degussa will continue to violate 40 C.F.R. § 403.5(d) at its facility.

THIRD CLAIM FOR RELIEF

(Violations of Monitoring and Reporting Requirements--
40 C.F.R. § 403.12(g))

48. Paragraphs 1-35 are realleged as if set forth here in full.

49. Degussa conducted sampling of its effluent discharge into the Elyria POTW during the days listed in Exhibit C to this Complaint.

50. Degussa's pollutant sampling during the days listed in Exhibit C was conducted to provide compliance data to the Elyria POTW in reports required under 40 C.F.R. § 403.12(e).

51. Degussa's pollutant sampling during the days listed in Exhibit C (Table of Monitoring and Reporting Violations) did not comply with requirements in 40 C.F.R. § 403.12(g).

52. Degussa's failure to conduct pollutant sampling in accordance with the requirements of 40 C.F.R. § 403.12(g)

constitutes violations of a pretreatment standard, which are violations of Section 307(d) of the CWA, 33 U.S.C. § 1317(d).

53. Pursuant to Section 309(d) of the CWA, 33 U.S.C. § 1319(d), and 40 C.F.R. Part 19, Degussa's violations of Section 307 of the CWA, 33 U.S.C. § 1317, subject it to civil penalties not to exceed $27,500 per day for each violation.

54. Unless restrained by an order of this Court pursuant to Section 309(b) of the CWA, 33 U.S.C. § 1319(b), Degussa will continue to violate 40 C.F.R. § 403.5(d) at its facility.

FOURTH CLAIM FOR RELIEF

(Information Request Violations)

55. Paragraphs 1-35 are realleged as if set forth herein full.

56. The information request U.S. EPA issued to Degussa on or about March 20, 2001, among other things, required Degussa to conduct monthly sampling and analysis until further notice on all pollutants discharged to the Elyria POTW that are subject to pretreatment standards.

57. The March 20, 2001 information request issued to Degussa indicated that sampling and analysis was to be performed in accordance with 40 C.F.R. Part 136, and that each monthly analysis shall provide all data necessary to determine compliance with all applicable pretreatment standards.

58. Degussa conducted pollutant sampling of its effluent discharge during the days listed in Exhibit C (Table of Monitoring and Reporting Violations) to this Complaint.

59. Degussa's sampling during the days listed in Exhibit C did not provide all data necessary to determine compliance and therefor did not comply with requirements of the March 20, 2001 information request.

60. Degussa's failure to conduct pollutant sampling in accordance with the requirements of the March 20,' 2001, information request violates Section 308 of the CWA, 33 U.S.C. § 1318.

61. Pursuant to Section 309(d) of the CWA, 33 U.S.C. § 1319(d), and 40 C.F.R. Part 19, Degussa's violations of Section 308 of the CWA, 33 U.S.C. § 1318, render it subject to civil penalties not to exceed $27,500 per day for each violation.

62. Unless restrained by an order of this Court pursuant to Section 309(b) of the CWA, 33 U.S.C. § 1319(b), Degussa will continue to violate Section 308 of the CWA, 33 U.S.C. § 1318, at its facility.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, respectfully requests that this Court:

1. Assess civil penalties against the defendant Degussa, not to exceed $27,500 per day for each violation;

2. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

W. BENJAMIN FISHEROW
Deputy Section Chief
Environmental Enforcement Section
Environment and Natural Resources
Division
Justice

MIRIAM L. CHESSLIN
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources
Division
United States Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
(202) 514-1491

GREGORY A. WHITE
United States Attorney for the
Northern District of Ohio

STEVEN J. PAFFILAS
Assistant United States Attorney
801 West Superior Avenue
Suite 400
Cleveland, Ohio 44113
(216) 622-3600
FAX 522-4982
Steven.paffilas@usdoj.gov

OF COUNSEL:

MARK J. PALERMO
Assistant Regional Counsel
United States Environmental Protection Agency
Region V
Chicago, Illinois

Exhibit A

PERMIT NO. 151

CITY OF ELYRIA, OHIO

WASTEWATER DISCHARGE PERMIT

AZTEC PEROXIDES, INC.

is authorized to discharge industrial wastewater from its facility located at:

555 GARDEN STREET
ELYRIA, OHIO

to the City of Elyria sanitary sewer system in compliance with Chapter 932 of the Codified Ordinances of the City of Elyria, any applicable Federal or State laws and regulations, and in accordance with the conditions specified within this permit.

Effective Date: April 1, 1997
Expiration Date: March 31, 2000

In order to renew authorization to discharge, the permittee shall apply for permit reissuance a minimum of 180 days prior to the expiration date.

_____
e Director
Chairman, Water Pollution Control Board

FOR SAMPLING LOCATION 151001

'POLLUTANTS	DISCHARGE LIMITATIONS: CONCENTRATIONS (mg/L>* MAX. DAILY	MAX. MONTHLY AVG.	SELF-MONITORING REQUIREMENTS** MEASUREMENT FREQUENCY	SAMPLE TYPE
Arsenic (T)	Flow x 0.51		1/month	composite
Cadmium (T)	Flow x 0.540		I/month	composite
Chromium (T)	Flow x 4.0		1/month	composite
Copper (T)	Flow x 2.1		1/month	composite
Cyanide (T)**	Flow x 1.200	Flow x 0.420	1/month	grab
Lead (T)	Flow x 0.690	Flow x 0.320	1/month	composite
Mercury (T)	Flow x 0.002		1/month	composite
Molybdenum (T)	Flow x 0.80		I/month	composite
Nickel (T)	Flow x 5.0		1/month	composite
Selenium (T)	Flow x 10.0		1/month	composite
Silver (T)	Flow x 1.2		1/month	composite
Zinc (T)	Flow x 2.610	Flow x 1.050	1/month	composite
Beryllium (T)	-	-	1/month	composite
Biochemical Oxygen Demand (BOD)	-	5,400	1/month	composite
Chemical Oxygen Demand (COD)	-	-	1/month	composite
Apr/May/Oct	Flow x 6,000	5,000	I/week	composite
Jun/Jul/Aug/Sep	Flow x 4,200	3,000	I/week	composite
Nov/Dec/Jan/Feb/Mar	Flow x 9,100	8,300	I/week	composite
Suspended Solids (SS)	Flow x 800		I/month	composite
Ammonia Nitrogen	Flow x 40		1/month	composite
Oil and Grease**	Flow x 50		1/month	grab
Phosphate (as P)	Flow x 20		1/month	composite

The discharge of any wastewaters shall not have a pH lower than 6.0 S.U. nor higher than 10.0 S.U.

* The discharge limitations are taken from sections 932 (a) and (b) of the Codified Ordinances of the City of Elyria and variances granted by the Water Pollution Control Board. The maximum monthly average and priority pollutant limitations are taken from the Federal Organic Chemicals, Plastics and Synthetic Fibers Categorical Pretreatment Standards for existing sources in 40 CFR 414. Discharge shall not exceed the mass quantity derived by multiplying the process wastewater flow (in liters) by the concentrations listed herein. ** See Part I-B: Other Self-Monitoring Requirements. T = Total

PART I. A. DISCHARGE LIMITATIONS AND SELF-MONITORING REQUIREMENTS

FOR SAMPLING LOCATION 151001

	DISCHARGE LIMITATIONS: CONCENTRATIONS (mg/l,)*OLLUTANTS MAX. DAILY	MAX. MONTHLY AVG,	SELF-MONITORING REQUIREMENTS** MEASUREMENT FREQUENCY	SAMPLE TYPE
Acenaphthene	Flow x 0.047	Flow x 0.019	1/qtr	grab
anthracene	Flow x 0.047	Flow x 0.019	1/qtr	grab
Benzene	Flow x 0.134	Flow x 0.057	1/qtr	grab
Bis(2-ethylhexyl)pthalate	Flow x 0.258	Flow x 0.095	1/qtr	grab
Carbon tetrachloride	Flow x 0.380	Flow x 0.142	1/qtr	composite
Chlorobenzene	Flow x 0.380	Flow x 0.142	1/qtr	composite
Chloroethane	Flow x 0.295	Flow x 0.110	1/qtr	composite
Chloroform	Flow x 0.325	Flow x 0.111	1/qtr	composite
Di-n-butyl pthalate	Flow x 0.043	Flow x 0.020	1/qtr	grab
L,2-Dichlorobenzene	Flow x 0.794	Flow x 0.196	1/qtr	grab
L,3-Dichlorobenzene	Flow x 0.380	Flow x 0.142	1/qtr	grab
L,3-Dichlorobenzene	Flow x 0.380	Flow x 0.142	1/qtr	grab
L,1-Dichloroethane	Flow x 0.059	Flow x 0.022	1/qtr	grab
L,2-Dichloroethane	Flow x 0.574	Flow x 0.180	1/qtr	grab
L,1-Dichloroethylene	Flow x 0.060	Flow x 0.022	1/qtr	composite
1,2-trans-Dichloroethylene	Flow x 0.066	Flow x 0.025	1/qtr	composite
L,2-Dischoropropane	Flow x 0.794	Flow x 0.196	1/qtr	composite
L,3-Dichloropropylene	Flow x 0.794	Flow x 0.196	1/qtr	grab
Diethyl pthalate	Flow x 0.113	Flow x 0.046	1/qtr	composite
Dimethyl pthalate	Flow x 0.047	Flow x 0.019	1/qtr	composite
1,6-Dinitro-o-cresol	Flow x 0.277	Flow x 0.078	1/qtr	composite
Ethylbenzene	Flow x 0.380	Flow x 0.142	1/qtr	grab
Fluoranthene	Flow x 0.054	Flow x 0.022	1/qtr	composite
Fluorene	Flow x 0.047	Flow x 0.019	1/qtr	composite
Hexachlorobenzene	Flow x 0.794	Flow x 0.196	1/qtr	composite
Hexachlorobutadiene	Flow x 0.380	Flow x 0.142	1/qtr	composite
Hexachloroethane	Flow x 0.794	Flow x 0.196	1/qtr	composite
Methyl chloride	Flow x 0.295	Flow x 0.110	1/qtr	grab
Methylene chloride	Flow x 0.170	Flow x 0.036	1/qtr	grab
Naphthalene	Flow x 0.047	Flow x 0.019	1/qtr	composite
Nitrobenzene	Flow x 6.402	Flow x 2.237	1/qtr	composite
2-Nitrophenol	Flow x 0.231	Flow x 0.065	1/qtr	composite
4-Nitrophenol	Flow x 0.576	Flow x 0.162	1/qtr	composite

FOR SAMPLING LOCATION 151001

	DISCHARGE LIMITATIONS; CONCENTRATIONS (mq/L)*		SELF-MONITORING REQUIREMENTS**	
POLLUTANTS	MAX. DAILY	MAX. MONTHLY AVG.	MEASUREMENT FREQUENCY	SAMPLE TYPE
Phenanthrene	Flow x 0.047	Flow X 0.019	1/qtr	composite
Pyrene	Flow x 0.048	Flow x 0.020	1/qtr	composite
Tetrachloroethylene	Flow x 0.164	Flow x 0.052	1/qtr	grab
Toluene	Flow x 0.074	Flow x 0.028	1/qtr	grab
1,2,4-Trichlorobenzene	Flow x 0.794	Flow x 0.196	1/qtr	composite
1,1,1-Trichloroethane	Flow x 0.059	Flow x 0.022	1/qtr	grab
1,1,2-Trichloroethane	Flow x 0.127	Flow x 0.032	1/qtr	grab
Trichloroethylene	Flow x 0.069	Flow x 0.026	1/qtr	grab
Vinyl chloride	Flow x 0.172	Flow x 0.097	1/qtr	grab

PART I.B. OTHER SELF-MONITORING REQUIREMENTS

A) Samples shall be taken at the following location(s):

Sampling Location	Description of Sampling Location
151001	Sampling manhole - final discharge

B) Samples shall be taken during normal operating hours and normal operating conditions within a twenty-four (24) hour period.

C) Samples shall be composite type except for pH, oil and grease, and volatile organics. Grab samples shall be used for these exceptions.

D) Composite samples shall consist of a minimum of eight (8) discrete samples taken at equal time intervals over the compositing period, or proportional to the flow rate over the compositing period. More than the minimum number of discrete samples shall be taken where the wastewater loading is highly variable.

E) A grab sample shall mean a sample which is taken from a wastewater discharge on a one-time basis without regard to the flow rate or consideration of time.

F) Samples shall be collected in such a manner as to be representative of the composition of the wastes. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time of collection.

G) All tests shall be done by independent laboratories unless pre-approved by the Elyria Wastewater Pollution Control Board and indicated within this permit.

H) The permittee shall employ sampling and analytical procedures according to 40 CFR 136, as amended, or those that are acceptable to the Elyria Wastewater Pollution Control Board.

I) The pH shall be measured continuously, or with a minimum of eight (8) grab samples taken at equal time intervals for each day of production and/or discharge. These measurements may be performed by the permittee using approved methods. Results of pH self-monitoring shall be included in the quarterly self-monitoring report. In lieu of reporting the pH self-monitoring results, the permittee may use the certification alternative if the following criteria are met:

1) A certification statement must be signed by an officer of the company, or manager responsible for overall plant operations, and submitted with each self-monitoring report.

2) If the pH monitoring reveals violations, all pH excursion data (value, date, time, duration, etc.) shall be reported by the permittee in the quarterly self-monitoring report.

3) All pH self-monitoring data shall be retained and preserved by the permittee for purposes of inspection by duly authorized employees of the City bearing proper credentials and identification.

J) Oil and grease shall be measured from a minimum of one (1) grab sample for each shift of operation during a sampling day. An attempt should be made to obtain the most representative sample for each grab. Each sample should be collected directly into a properly cleaned container and then preserved per the appropriate method. The sample should not be subdivided, nor come into contact with any other sampling equipment. Where more than one grab sample is collected during a sampling day, the grab samples should not be composited, but shall be analyzed separately and their results averaged to obtain the oil and grease value for that sampling day. Refer to 40 CFR 136 for oil and grease testing methods.

K) Cyanide shall be measured from a minimum of eight (8) grab samples (hourly is desirable) taken at equal time intervals during a sampling day. An attempt should be made to obtain the most representative sample for each grab. Each grab sample should be collected directly into a properly cleaned container, and then composited into a properly cleaned container and preserved per the appropriate method. Where more than one (1) grab sample is obtained for a sampling day, the composite sample of a minimum of eight (8) grab samples shall be analyzed for cyanide concentration. Refer to 40 CFR 136 for cyanide testing methods.

L) All flow rates shall be measured by verifiable methods approved by the City.

M) The results of self-monitoring shall be reported according to Part II (A) of this permit.

N) If sampling performed by the permittee indicates a violation, the permittee shall notify the City within twenty-four (24) hours of becoming aware of the violation. The permittee shall also repeat the sampling and analysis, and submit both of the results to the City within thirty (30) days after becoming aware of the violation. This is in addition to any self-monitoring sampling and analyses required by this permit.

0) If the permittee self-monitors for any pollutant more frequently than required by the City using procedures according to 40 CFR 136 or those acceptable to the Elyria Water Pollution Control Board, then the results from this additional testing shall be included in the quarterly self-monitoring reports.

PART II. REPORTING

A) The results of self-monitoring required by this permit 3hall be reported on a quarterly basis. The report for each quarter shall be received by the Superintendent of the Wastewater Pollution Control Plant no later than the last day of March, June, September, and December, respectively. Each report shall include the following information:

1) The results of all required analyses on the form provided by the City.

2) An indication of the permittee's compliance with applicable discharge limitations and, for instances of non-compliance, a statement as to corrective actions taken or planned in order to return to compliance.

3) The exact place, date, and time of sampling.

4) The sampling procedures used (i.e., automatic, manual, composite, grab, frequency of samples, etc.).

5) The laboratory performing the analyses and a copy of their reports.'

6) The flow rates, in gallons per day, to the sanitary sewer (i.e., total, process, sanitary, etc.) for the specific days sampled and a reasonable measure of the average daily flow for a 30 day period.

B) The permittee shall complete a Compliance Schedule on the form provided by the City and submit it for approval to the Superintendent of the Wastewater Pollution Control Plant where any new, additional, upgrading of, or modifying of pretreatment facilities and/or operation and maintenance activities are planned or required to comply with applicable discharge limitations, to comply with other pretreatment requirements, or for any other reason. The permittee shall also submit to the Superintendent a Compliance Schedule Progress Report on the form provided by the City not later than fourteen (14) days following each scheduled completion date for each Increment of Progress in the Compliance Schedule and the final compliance date. Written approval must be obtained from both the City and the Ohio EPA for plans and specifications of any pretreatment facilities before construction and installation commence.

C) The permittee shall notify the Superintendent of the Waste-water Pollution Control Plant immediately upon the occurrence of a slug or accidental discharge of materials or substances prohibited or regulated by this permit or Chapter 932 of the Codified Ordinances of the City of Elyria. The notification shall include:

1) The name and location of the company.

2) The name of the reporting individual and phone number where they can be reached.

3) The time and location of the spill/release.

4) The type of material involved, its volume, and any hazards associated with it.

5) The action being taken to control the spill/release.

A written report shall be filed on a report form provided by the City.

Signs shall be permanently posted in conspicuous places on the permittees premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to the emergency notification procedure.

D) The permittee shall notify the Superintendent of the Wastewater Pollution Control Plant within twenty-four (24) hours upon first becoming aware of the commencement of an operating upset which places the permittee in a temporary state of noncompliance with this permit or Chapter 932 of the Codified Ordinances of the City of Elyria. Where such information is given orally, the permittee shall file a written follow-up report with the Superintendent within five (5) days. The report shall specify:

1) A description and cause of the upset and the impact of the upset on the user's compliance status.

2) The duration of noncompliance, including exact dates and times of noncompliance. If the noncompliance continues, include the time by which compliance is reasonably expected to occur.

3) All steps taken or to be taken to reduce, eliminate, and/or prevent a recurrence of such an upset or other conditions of noncompliance.

E) The permittee shall notify the Superintendent of the Wastewater Pollution Control Plant prior to any new introduction of wastewater constituents, or any substantial change in the volume or character of the wastewater being introduced into the wastewater treatment system. This is to include the discontinuation of discharge from any processes for any period of time due to other than normal operating procedures. The permittee shall submit to the Superintendent an updated Industrial Waste Survey form at least annually or whenever such changes as noted above occur.

F) The permittee shall submit to the Superintendent of the Wastewater Pollution Control Plant within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard its status of compliance with the new standard. Within nine (9) months of the promulgation of an applicable Federal Categorical Pretreatment Standard, this permit shall be revised to require compliance with such standard within the time frame prescribed within the standard.

G) All reports required by this permit shall be signed by a responsible corporate officer or a general partner or proprietor of the permittee, or a duly authorized representative of these persons.

H) All reports and notifications shall be made to the Superintendent of the Wastewater Pollution Control Plant at: 1194 Gulf Road, Elyria, Ohio 44035, Telephone:(216)366-2211, who will accept them on behalf of the Safety Service Director. If the Superintendent or his representative cannot be reached at the above number, a notification may be made with the the Elyria Fire Department at (216)323-4815.

PART III. SPECIAL CONDITIONS

A) The permittee shall comply with the Federal Organic Chemicals, Plastics and Synthetic Fibers Categorical Pretreatment Standards for existing sources in 40 CFR 414 and any other applicable standards of 40 CFR 414.

B) Where process effluent is mixed prior to pretreatment with wastewaters other than those generated by the regulated processes of 40 CFR 414, fixed alternative discharge limitations shall be derived by the permittee by means of the Combined Wastestream Formula (CWF) with written concurrence of the City in accordance with 40 CFR 403.6(e).

C) In the case of lead, zinc and total cyanide, the discharge quantity (mass) shall be determined by multiplying the concentration listed in Part I-A discharge limitations for the metal pollutants times the flow from metal-bearing wastestreams for metals, and by multiplying the total cyanide discharge limitations times the flow from the cyanide-bearing wastestreams for total cyanide. Metal and cyanide-bearing wastestreams are defined as those listed in 40 CFR 414, plus any additional process wastestream identified by the City as metal or cyanide-bearing based upon a review of relevant engineering, production and analytical findings.

D) The permittee shall not discharge or cause to be discharged any wastewater, acidic or alkaline in nature, having corrosive properties capable of causing damage to structures and equipment or causing hazards to personnel of the Wastewater pollution Control Plant or sewage collection system. The permittee shall not discharge or cause to be discharged any waters or wastes having a pH lower than 6.0 or higher than 10.0 standard units. With continuous pH monitoring the permittee may exceed these limits for up to 5 percent of the discharge and/or production time in a 24 hour period but in no case shall the permittee's discharge have a pH lower than 5.0 or higher than 11.0 standard units. Free acids and alkalis must be neutralized at all times.

PART IV. GENERAL CONDITIONS

A) The permittee shall comply with Chapter 932 of the Codified Ordinances of the City of Elyria and the Federal General Pretreatment Regulations in 40 CFR 403, as amended.

B) The permittee shall not increase the use of potable or process water in any way or mix separate wastestreams for the purpose of diluting a wastewater as a partial or complete substitute for adequate treatment to achieve compliance with the limitations and standards contained in this permit.

C) The permittee shall dispose of all sludges, residues and spent chemicals generated in the proper manner.

D) The permittee shall retain and preserve for no less than three (3) years any records, books, documents, memoranda, reports, correspondence, and summaries thereof, relating to monitoring, sampling, and chemical analyses made by or on behalf of the permittee in connection with its discharge.

E) The Safety-Service Director and duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all properties of the permittee according to section 932.14 of the Codified Ordinances of the City of Elyria.

F) The permittee shall be subject to sewer use charges and fees according to Chapter 937 of the Codified Ordinances of the City of Elyria, as amended.

G) A Wastewater Discharge Permit is issued to a specific User for a specific operation. This permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Superintendent of the Wastewater Pollution Control Plant.

H) The terms and conditions of this permit may be subject to modification by the City within the term of the permit due to changes in limitations or requirements or other just cause. The permittee shall be informed of any proposed change in its permit at least thirty (30) days prior to the effective date of such change. Any change or new condition in this permit shall include a reasonable time schedule for compliance.

I) The City may suspend this permit for any violation of the conditions of this permit and in accordance with section 932.19 of the Codified Ordinances of the City of Elyria. Violations^of the conditions of this permit and of Chapter 932 of the Codified Ordinances of the City of Elyria are subject to the penalties described in section 932.99 of the Codified Ordinances of the City of Elyria, as amended.

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J) No statement contained in this permit shall relieve the permittee from any requirement not specified within this permit. It is the responsibility of the permittee to comply with all applicable local, federal, and state regulations.

K) The provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

L) The permittee shall not discharge any pollutants which cause damage or blockage within the sewer collection system or cause pass through or interference with the Wastewater Pollution Control Plant.

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pH SELF-MONITORING CERTIFICATION

Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitations for pH, I certify that, to the best of my knowledge and belief, no discharge of high or low pH wastewater into the sanitary sewer system has occurred since filing the last self-monitoring report, unless appropriately indicated on this self-monitoring report.

_____
Name

_____
Title

_____
Signature

_____
Date

TOTAL TOXIC ORGANICS CERTIFICATION

Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitations and pretreatment standards for total toxic organics, I certify that, to the best of my knowledge and belief, no discharge of toxic organics into the wastewater or sanitary sewer system has occurred since filing the last self-monitoring report. I further certify that this facility is implementing the toxic organics management plan as submitted to the control authority.

_____
Name

_____
Title

_____
Signature

_____
Date

PERMIT NO. 151

CITY OF ELYRIA, OHIO

WASTEWATER DISCHARGE PERMIT

AZTEC PEROXIDES, INC.

is authorized to discharge industrial wastewater from its facility located at:

555 GARDEN STREET
ELYRIA, OHIO

to the City of Elyria sanitary sewer system in compliance with Chapter S32 of the Codified Ordinances of the City of Elyria,as amended, any applicable Federal or State laws and regulations, and in accordance with the conditions specified within this permit.

Effective Date: Kay 3, 2000

Expiration Date: May 2, 2003

In order to renew authorization to discharge, the permittee shall apply for permit reissuance a minimum of 180 days prior to the expiration date.

Safety-Service Director
Chairman, Water Pollution Control Boe

THE CITY of Elyria, OHIO

WASTE WATER POLLUTION CONTROL
1194 GULF ROAD
ELYRIA, OHIO

GREGORY F WORCESTER
SUPERINTENDENT

May 3, 2000

Mr. John Wharton
Aztec Peroxides, Inc.
555 Garden Street
Elyria, Ohio 44035

Re: Wastewater Discharge Permit

Dear Sir,. -

Enclosed is your Wastewater Discharge Permit for the period indicated. Please review this permit thoroughly and carefully and submit, in writing, any questions and/or comments you may have to this office within thirty (30) days from your receipt of the permit.

If you have any immediate questions, please do not hesitate to contact this office at (440)366-2211.

Sincerely,
THE CITY OF ELYRIA, OHIO

Gregory F. Worcester
Superintendent
W.W.P.C.P.

cc:
W.P.C. Board Members
Bill Landshof, Ohio EPA-Columbus
Chuck Allen, Ohio EPA-NEDO
Purita Angeles, US EPA - Region V
File

PART I. A. DISCHARGE LIMITATIONS AND SELF-MONITORING REQUIREMENTS FOR SAMPLING LOCATION 151001

LIMITS:	CONCENTRATIONS		LOADINGS			
POLLUTANTS	MAX. DAILY (mg/L)	MAX. MONTHLY (mg/L)	MAX. DAILY (lbs/day)	MAX. MONTHLY (lbs/day)	SAMPLE FREQ.	SAMPLE TYPE
Arsenic (T)	0.510	-	0.340	-	1 / Month	Composite
Cadmium (T)	0.540	-	0.360	-	1/Month	Composite
Chromium (T)	4.0	-	2.7	-	1/Month	Composite
Copper (T)	2.1	-	1.4	-	1/Month	Composite
Cyanide (T)**	1.200	0.420	0.800	0.280	1/Month	Grab
Lead (T)	0.690	0.320	0.460	0.213	1/Month	Composite
Mercury (T)	0.002	-	0.0013	-	1/Month	Composite
Molybdenum (T)	0.80	-	0.53	-	1/Month	Composite
Nickel (T)	5.0	-	3.3	-	1/Month	Composite
Selenium (T)	10.0	-	6.7	-	1/Month	Composite
Silver (T)	1.2	-	0.80	-	1/Month	Composite
Zinc (T)	2.610	1.050	1.741	0.700	1/Month	Composite
Beryllium (T)	-	-	-	-	1/Month	Composite
Biochemical Oxygen Demand (BOD5)	800	-	534	-	1/Month	Composite
Chemical Oxygen Demand (COD)					1/Month	Composite
Apr, May, Oct	6,000	5,000	4,003	3,336	1/Week	Composite
Jun, Jul, Aug, Sep	4,200	3,000	2,802	2,002	1/Week	Composite
Nov, Dec, Jan, Feb, Mar	9,100	8,300	6,072	5,538	1/Week	Composite
Total Suspended Solids	800	-	534	-	1/Month	Composite
Ammonia Nitrogen	40	-	27	-	1/Month	Composite
Phosphates (as P)	20	-	13	-	1/Month	Composite
Oil and Grease**	50	-	33	-	1/Month	Grab
pH**						

1. The allowed average effluent flow rate shall be 80,000 gallons per day. The discharge flow rate shall be measured daily
2. The concentration discharge limitations are taken from Section 932.04 (a) and (b) of the Codified Ordinances of the City of Elyria, the allowable headworks loadings granted by the Water Pollution Control Board, and 40 CFR 414.111 (b).
3. The loading discharge limitations were derived by multiplying the product of (8.34 X 80,000 gpd) times the concentration limits, and times the Federal categorical limits as listed in 40 CFR 414.111 (a) and (b). as referenced in 40 CFR 414 Subpart-H and K, where applicable.
4. The discharge of any wastewater shall not have a pH lower than 6.0 S.U. nor higher than 10.0 S.U.

** See Part I-B: Other Self-monitoring Requirements. T = Total

PART I. A. DISCHARGE LIMITATIONS AND SELF-MONITORING REQUIREMENTS FOR SAMPLING LOCATION 151001

LIMITS:	CONCENTRATIONS		LOADINGS			
POLLUTANTS	MAX. DAILY (mg/L)	MAX. MONTHLY (mg/L)	MAX. DAILY (lbs/day)	MAX. MONTHLY (lbs/day)	SAMPLE FREQ.	SAMPLE TYPE
Acenaphthene	0.047	0.019	0.03V	0.013	1/QTR	Composite
Anthracene	0.047	0.019	0.031	0.013	1/QTR	Composite
Benzene	0.134	0.057	0.089	0.038	1/QTR	Grab
Bis(2-ethylhexyl)phthalate	0.258	0.095	0.172	0.063	1/QTR	Composite
Carbon tetrachloride	0.380	0.142	0.254	0.095	1/QTR	Grab
Chlorobenzene	0.380	0.142	0.254	0.095	1/QTR	Grab
Chloroethane	0.295	0.110	0.197	0.073	1/QTR	Grab
Chloroform	0.325	0.111	0.217	0.074	1/QTR	Grab
Di-n-butyl phthalate	0.043	0.020	0.029	0.013	1/QTR	Composite
1,2-Dichlorobenzene	0.794	0.196	0.530	0.131	1/QTR	Composite
1,3-Dichlorobenzene	0.380	0.142	0.254	0.095	1/QTR	Composite
1,4-Dichlorobenzene	0.380	0.142	0.254	0.095	1/QTR	Composite
1,1-Dichloroethane	0.059	0.022	0.039	0.015	1/QTR	Grab
1,2-Dichloroethane	0.574	0.180	0.383	0.120	1/QTR	Grab
1,1-Dichloroethylene	0.060	0.022	0.040	0.015	1/QTR	Grab
1,2-trans-Dichloroethylene	0.066	0.025	0.044	0.017	1/QTR	Grab
1,2-Dichloropropane	0.794	0.196	0.530	0.131	1/QTR	Grab
1,3-Dichloropropylene	0.794	0.196	0.530	0.131	1/QTR	Grab
Diethyl phthalate	0.113	0.046	0.075	0.031	1/QTR	Composite
Dimethyl phthalate	0.047	0.019	0.031	0.013	1/QTR	Composite
4,6-Dinitro-o-cresol	0.277	0.078	0.185. ,	0.052	1/QTR	Composite
Ethylbenzene	0.380	0.142	0.254 '	0.095	1/QTR	Grab
Fluoranthene	0.054	0.022	0.036	0.015	1/QTR	Composite
Fluorene	0.047	0.019	0.031	0.013	1/QTR	Composite
Hexachlorobenzene	0.794	0.196	0.530	0.131	1/QTR	composite
Hexachlorobutadiene	0.380	0.142	0.254	0.095	1/QTR	Composite
Hexachloroethane	0.794	0.196	0.530	0.131	1/QTR	Composite
Methyl chloride	0.295	0.110	0.197 •	0.073	1/QTR	Grab
Methylene chloride	0.170	0.036	0.113	0.024	1/QTR	Grab
Naphthalene	0.047	0.019	.0.031	0.013	1/QTR	Composite

PART I. A. DISCHARGE LIMITATIONS AND SELF-MONITORING REQUIREMENTS FOR SAMPLING LOCATION 151001

LIMITS:	CONCENTRATIONS		LOADINGS			
POLLUTANTS	MAX. DAILY (mg/L)	MAX. MONTHLY (mg/L)	MAX. DAILY (lbs/day)	MAX. MONTHLY (lbs/day)	SAMPLE FREQ.	SAMPLE TYPE
Nitrobenzene	6.402	2.237	4.27t	1.493	1/QTR	Composite
2-Nitrophenol	0.231	0.065	0.154	0.043	1/QTR	Composite
4-Nitrophenol	0.576	0.162	0.384	0.108	1/QTR	Composite
Phenanthrene	0.047	0.019	0.031	0.013	1/QTR	Composite
Pyrene	0.048	0.020	0.032	0.013	1/QTR	Composite
Tetrachloroethylene	0.164	0.052	0.109	0.035	1/QTR	Grab
Toluene	0.074	0.028	0.049	0.019	1/QTR	Grab
1,2,4-Trichlorobenzene	0.794	0.196	0.530	0.131	1/QTR	Composite
1,1,1 -Trichloroethane	0.059	0.022	0.039	0.015	1/QTR	Grab
1,1,2-Trichloroethane	0.127	0.032	0.085	0.021	1/QTR	Grab
Trichloroethylene	0.069	0.026	0.046	0.017	1/QTR	Grab
Vinyl chloride	0.172	0.097	0.115	0.065	1/QTR	Grab

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PART I.B. OTHER SELF-MONITORING REQUIREMENTS

A) Samples shall be taker, at the following location(s) :

151001 - Sampling manhole located in the City right of way, and 250 degrees from the fire hydrant on the northwest corner of Woodford Avenue and Garden Street, and 25 degrees from the center of Aztec Gate E, and 195 degrees from utility pole FS75.

151002 - For security reasons, the industry nay sample from. the standpipe in the final effluent discharge line located in Building 23 on the East side of the building. It has been verified that no other discharge enters this final effluent discharge line between the standpipe and sampling manhole #151001.

B) Samples shall be taken during normal operating hours and normal operating conditions within a twenty-four (24) hour period.

C) Samples shall be composite type except for pH, oil and grease, and volatile organics. Grab samples shall be used for these exceptions.

D) Composite samples shall consist of a minimum of eight (8) discrete samples taken at equal time intervals over the compositing period, or proportional to the flow rate over the compositing period. More than the minimum number of discrete samples shall be taken where the wastewater loading is highly-variable.

E) A grab sample shall mean a sample which is taken from a wastewater discharge on a one-time basis without regard to the flow rate or consideration of time.

F) Samples shall be collected in such a manner as to be representative of the composition of the wastes. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time of collection.

G) All tests shall be done by independent laboratories unless pre-approved by the Elyria Wastewater Pollution Control Board and indicated within this permit.

H) The permittee shall employ sampling and analytical procedures •according to 40 CFR 136, as amended, or those that are acceptable to the Elyria Wastewater Pollution Control Board.

I; The pH shall be measured continuously, or *with* a Minimumeight (8) grab samples take of production and/or discharge. These measurements may be performed by the permittee using approved methods. All results from pH self-monitoring shall be included in the quarterly self-tnonitorir.g report. The permittee shall not discharge or cause to be discharged any waters or wastes having a pH lower than 6.0 or higher than 10.0 standard units. Free acids and alkalis must be neutralized at all times.

J) The permittee shall not discharge or cause to be discharged any waters, wastes, chemicals, substances or materials capable of, either alone or in combination with any other substances in the sanitary sewer, causing corrosion or any other damage to the structures and/or equipment of the sewage collection system and/or City of Elyria Wastewater Pollution Control Plant.

K) The permittee shall not discharge or cause to be discharged any pollutants which cause inhibition, pass through and/or interference with the City of Elyria Wastewater Pollution Control Plant.

L) Oil and grease shall be measured from a minimum of four (4) grab samples taken at equal time intervals during a sampling day. Every effort shall be made to obtain the most representative sample for each grab. Each sample shall be collected directly into a properly cleaned container and then preserved per the appropriate method. The sample shall not be subdivided, nor come into contact with any other sampling equipment. The grab samples shall not be composited, but shall be analyzed separately and their results averaged to obtain the oil and grease value for that sampling day. Refer to 40 CFR 136 for oil and grease testing methods.

M) Cyanide shall be measured from a minimum of four (4) grab samples taken at equal time intervals during a sampling day. Every effort shall be made to obtain the most representative sample for each grab. Each grab sample shall be collected directly into a properly cleaned container, and then composited, into a properly cleaned container and preserved per the appropriate method. The composite sample of a minimum of four (4) grab samples shall be analyzed for cyanide concentration. Refer to 40 CFR 136 for cyanide testing methods.

N) The effluent discharge flow rate shall be measured daily by verifiable methods approved by the City. The daily discharge flow rates shall be reported in the quarterly self-monitoring report. Aztec Peroxides shall make available daily flow rates upon request to the City for use during sampling events.

0) The results of self-monitoring shall be reported according to Part II (A) of this permit.

P) If sampling performed by the permittee indicates a violation, the permittee shall notify the City within twenty-four (24) hours of becoming aware of the violation. The permittee shall also repeat the sampling and analysis, as soon as possible, and submit both of the results to the City within thirty (30) days after becoming aware of the violation. This is in addition to any self-monitoring sampling and analyses required by this permit.

Q) If sampling performed by the City indicates a violation, the permittee shall repeat the sampling and analysis as soon as possible upon notification of the violation.

R) If the permittee self-monitors for any pollutant more frequently than required by the City using procedures according to 40 CFR 136 or those acceptable to the Elyria Water Pollution Control Board, then the results from this additional testing shall be included in the quarterly self-monitoring reports.

PART II. REPORTING

A) The results of self-monitoring required by this permit shall be reported on a quarterly basis. The report for each quarter shall be received by the Superintendent of the Wastewater Pollution Control Plant no later than the last day of March, June, September, and December, respectively. Each report shall include the following information:

1) The results of all required analyses on the form provided by the City.

2) An indication of the permittee's compliance with applicable discharge limitations and, for instances of non-compliance, a statement as to corrective actions taken or planned in order to return to compliance.

3) The exact place, date, and time of sampling.

4) The sampling procedures used (i.e., automatic, manual, composite, grab, frequency of samples, etc.).

5) The laboratory performing the analyses and a copy of their reports.

6) The daily flow rate of the effluent discharged through sampling location 151001, in gallons per day.

B) The permittee shall complete a Compliance Schedule on the form provided by the City and submit it for approval to the Superintendent of the Wastewater Pollution Control Plant where any new, additional, upgrading of, or modifying of pretreatment facilities and/or operation and maintenance activities are planned or required to comply with applicable discharge limitations, to comply with other pretreatment requirements, or for any other reason. The permittee shall also submit to the Superintendent a Compliance Schedule Progress Report on the form provided by the City not later than fourteen (14) days following each scheduled completion date for each Increment of Progress in the Compliance Schedule and the final compliance date. Written approval must be obtained from both the City and the Ohio EPA for plans and specifications of any pretreatment facilities before construction and installation commence.

C) The permittee shall notify the Superintendent of the Wastewater Pollution Control Plant immediately upon the occurrence of a slug or accidental discharge of materials or substances prohibited or regulated by this permit or Chapter 932 of the Codified Ordinances of the City of Elyria. The notification shall include:

1) The name and location of the company.

2) The name of the reporting individual and phone number where they car. be reached.

3) *The* time and location of the spill/release.

4) The type of material involved, its volume, and any hazards associated with it.

5) The action being taken to control the spill/release.

A written report shall be filed on a report form provided by the City.

Signs shall be permanently posted in conspicuous places on the permittees premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to the emergency notification procedure.

D) The permittee shall submit an updated Spill and Slug Prevention/Control Plan at least every two (2) years. The plan shall contain, at a minimum, the items listed in 40 CFR 403.8 (f)(2)(v)(A-D).

E) If the permittee either uses or stores toxic organics, the permittee shall submit an updated Toxic Organics Management Plan at least every two (2) years.

F) The permittee shall notify the Superintendent of the Wastev;ater Pollution Control Plant within twenty-four (24) hours upon first becoming aware of the commencement of an operating upset which places the permittee in a temporary state of noncompliance with this permit or Chapter 932 of the Codified Ordinances of the City of Elyria. Where such information is given orally, the permittee shall file a written follow-up report •with the Superintendent within five (5) days. The report shall specify:

1) A description and cause of the upset and the impact of the upset on the user's compliance status.

2) The duration of noncompliance, including exact dates and times of noncompliance. If the noncompliance continues, include the time by which compliance is reasonably expected to occur.

3) All steps taken or to be taken to reduce, eliminate, and/or prevent a recurrence of such an upset or other conditions of noncompliance.

In cases where the upset could cause harm to the public and/or damage to the sewer collection system and/or City of Elyria Wastewater Pollution Control Plant, the permittee shall notify the Superintendent of the Wastewater Pollution Control Plant and any appropriate emergency departments and agencies immediately by any means possible.

G) The permittee shall notify the Superintendent of the Wastewater Pollution Control Plant prior to any new introduction of wastewater constituents, or any substantial change in the volume or character of the wastewater being introduced into the wastewater treatment system. This is to include the discontinuation of discharge from any processes for any period of time due to other than normal operating procedures. The permittee shall submit to the Superintendent an updated Industrial Waste Survey form at least annually or whenever such changes as noted above occur.

H) The permittee shall submit to the Superintendent of the Wastewater Pollution Control within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard its status of compliance with the new standard. Within nine (9) months of the promulgation of an applicable Federal Categorical Pretreatment Standard, this permit shall be revised" to require compliance with such standard within the time frame prescribed within the standard.

I) All reports required by this permit shall be signed by a responsible corporate officer or a general partner or proprietor of the permittee, or a duly authorized representative of these persons.

J) The permittee shall file for renewal of this permit at least 180 days prior to the expiration date of this permit.

K) All reports and notifications shall be made to the Superintendent of the Wastewater Pollution Control Plant at: 1194 Gulf Road, Elyria, Ohio 44035, Telephone:(440)366-2211, who will accept them on behalf of the Safety Service Director. If the Superintendent or his representative cannot be reached at the above number, a notification may be made with the the Elyria Fire Department at (440)323-4815.

PART III. SPECIAL CONDITIONS

A) The permittee shall comply with the Federal Organic Chemical?, Plastics and Synthetic Fibers Categorical Pretreatment Standard? for existing sources in 40 CFR 414, Subparts H and K, and all other applicable standards of 40 CFR 414.

B) Where process effluent is mixed prior to pretreatment. with wastewaters other than those generated by the regulated processes of 40 CFR 414, fixed alternative discharge limitations shall be derived by the permittee by means of the Combined Wastestream Formula (CWF) with written concurrence of the City in accordance with 40 CFR 403.6 (e) .

C) The permittee shall not discharge or cause to be discharged any wastewater, acidic or alkaline in nature, having corrosive properties capable of causing damage to structures and equipment or causing hazards to personnel of the Wastewater pollution Control Plant or sewage collection system. Free acids and alkalis must be neutralized at all times.

D) The permittee's discharge shall not exceed a monthly average of 80,000 gallons per day, and in no case shall the permitee's discharge exceed 100,000 gallons on any single day.

E) The permittee shall visually inspect the quality of the discharge through sampling location 151001 at least once every eight (8) hours daily. The results shall be recorded and provided to the Superintendent of the Wastewater Pollution Control Plant in the quarterly self-monitoring report.

PART IV. GENERAL CONDITIONS

A) The permittee shall comply with Chapter 932 of the Codified Ordinances of the City of Elyria and the Federal General Pretreatment Regulations in 40 CFR 403, as amended.

B) The permittee shall have on site a copy of Chapter 932 of the Codified Ordinances of the City of Elyria, Ohio, as amended. Copies may be obtained at the Council Clerk's Office or from the Wastewater Pollution Control Plant, Pretreatment Department for a nominal copying fee.

C) The permittee shall not increase the use of potable or process water in any way or mix separate wastestreams for the purpose of diluting a wastewater as a partial or complete substitute for adequate treatment to achieve compliance with the limitations and standards contained in this permit.

D) The permittee shall dispose of all sludges, residues and spent chemicals generated in accordance with all Federal, State and Local regulations.

E) The permittee shall retain and preserve for no less than three (3) years any records, books, documents, memoranda, reports, correspondence, and summaries thereof, relating to monitoring, sampling, and chemical analyses made by or on behalf of the permittee in connection with its discharge.

F) The Safety-Service Director and duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all properties of the permittee according to Chapter 932 of the Codified Ordinances of the City of Elyria, as amended.

G) The permittee shall be subject to sewer use charges and fees according to Chapter 937 of the Codified Ordinances of the City of Elyria, as amended.

K) A Wastewater Discharge Permit is issued to a specific User for a specific operation. This permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Superintendent of the Wastewater Pollution Control Plant.

I) The terms and conditions of this permit may be subject to modification by the City within the term of the permit due to changes in limitations or requirements or other just cause. The permittee shall be informed of any proposed change in its permit at least thirty .(30) days prior to the effective date of such change. Any change or new condition in this permit shall include a reasonable time schedule for compliance.

J) The City may suspend this permit for any violation of the conditions of this permit accordance with Chapter 932 of the Codified Ordinances of the City of Elyria. Violations of the conditions of this permit and of Chapter 932 of the Codified Ordinances of the City of Elyria are subject to the penalties described in Chapter 932 of the Codified Ordinances of the City of Elyria, as amended.

K) No statement contained in this permit shall relieve the permittee from any requirement not specified within this permit. It is the responsibility of the permittee to comply with all applicable Federal, State and Local regulations.

L) The provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

M) The permittee shall not discharge any pollutants which cause damage or blockage within the sewer collection system or cause pass through, inhibition, or interference with the Wastewater Pollution Control Plant.

PERMIT NO. 151

CITY OF ELYRIA, OHIO

WASTEWATER DISCHARGE PERMIT

DEGUSSA INITIATORS, LLC

is authorized to discharge industrial wastewater from its facility located at:

555 GARDEN STREET
ELYRIA, OHIO

to the City of Elyria sanitary sewer system in compliance with Chapter 932 of the Codified Ordinances of the City of Elyria, as amended, any applicable Federal or State laws and regulations, and in accordance with the conditions specified within this permit.

Effective Date: April 7, 2003
Expiration Date: April 6, 2005

In order to renew authorization to discharge, the permittee shall apply for permit reissuance a minimum of 180 days prior to the expiration date.

_____
Safety Service Director
Chairman, Water Pollution Control Board

PART I. A. DISCHARGE LIMITATIONS AND SELF-MONITORING REQUIREMENTS FOR SAMPLING LOCATION 151001

LIMITS:	CONCENTRATIONS		LOADINGS			
POLLUTANTS	MAX. DAILY (mg/L)	MAX. MONTHLY (mg/L)	MAX. DAILY (lbs/day)	MAX. MONTHLY (lbs/day)	SAMPLE FREQ.	SAMPLE TYPE
Arsenic (T)	0.36	-	0.240	-	1/Quarter	Composite
Cadmium (T)	0.23	-	0.154	-	1/Quarter	Composite
Chromium (T)	6.1	-	4.1	-	1/Quarter	Composite
Copper (T)	1.3	-	0.9	-	1/Quarter	Composite
Cyanide (T)**	0.03	-	0.020	-	2/Year	Grab
Lead (T)	0,69	0.32	0.460	0,213	1/Quarter	Composite
Mercury (T)	0.000136	-	0.0001	-	1/Quarter	Grab
Molybdenum (T)	0.69	-	0.46	-	1/Quarter	Composite
Nickel (T)	1.6	-	1.07	-	1/Quarter	Composite
Zinc (T)	2.61	1.05	1.74	0.70	1/Quarter	Composite
Biochemical Oxygen Demand (BOD5)	800	-	534	-	1/Month	Composite
Chemical Oxygen Demand (COD)						
Apr, May, Oct	6,000	5,000	4,003	3,336	1/Week	Composite
Jun, Jul, Aug, Sep	4,200	3,000	2,802	2,002	1/Week	Composite
Nov, Dec, Jan, Feb. Mar	9,100	8,300	6,072	5,538	1/Week	Composite
Total Suspended Solids	800	-	534	-	1/Week	Composite
Ammonia Nitrogen	30	-	20	-	1/Month	Composite
Phosphates (as P)	15	-	10	-	1/Month	Composite
Oil and Grease**	150	-	100	-	2/Year	Grab
pH**						

1. The allowed monthly average effluent flow rate shall be 80,000 gallons per day. The discharge flow rate shall be measured daily.
2. The discharge flow rate shall be measured daily.
3. The concentration discharge limitations are taken from Section 932.04 (a) and (b) of the Codified Ordinances of the City of Elyria, the allowable headworks loadings granted by the Water Pollution Control Board, and 40 CFR 414.111 (b). The concentration limits are listed for reference purposes only. The load limits shall be enforced per the City of Elyria Pretreatment Program approved Enforcement Response Plan.
4. The loading discharge limitations were derived by multiplying the product of (8.34 X 80,000 gpd) times the concentration limits, and/or times the Federal categorical limits as listed in 40 CFR 414.111 (a) and (b), as referenced in 40 CFR 414 Subparts H and K, where applicable.
5. The mercury limit of 0.000136 mg/L is equivalent to 0.136 ug/L.
6. The discharge of any wastewaters shall not have a pH lower than 6.0 S.U. nor higher than 10.0 S.U.

** See Part I-B: Other Self-monitoring Requirements. T = Total

PART I. A. DISCHARGE LIMITATIONS AND SELF-MONITORING REQUIREMENTS FOR SAMPLING LOCATION 151001

LIMITS:	CONCENTRATIONS		LOADINGS			
POLLUTANTS	MAX. DAILY (mg/L)	MAX. MONTHLY (mg/L)	MAX. DAILY (lbs/day)	MAX. MONTHLY (lbs/day)	SAMPLE FREQ.	SAMPLE TYPE
Acenaphthene	0.047	0.019	0.031	0.013	1/QTR	Composite
Anthracene	0.047	0.019	0.031	0.013	1/QTR	Composite
Benzene	0.134	0.057	0.089	0.038	1/QTR	Grab
Bis(2-ethylhexyl)phthalate	0.258	0.095	0.172	0.063	1/QTR	Composite
Carbon tetrachloride	0.380	0.142	0.254	0.095	1/QTR	Grab
Chlorobenzene	0.380	0.142	0.254	0.095	1/QTR	Grab
Chloroethane	0.295	0.110	0.197	0.073	1/QTR	Grab
Chloroform	0.325	0.111	0.217	0.074	1/QTR	Grab
Di-n-butyl phthalate	0.043	0.020	0.029	0.013	1/QTR	Composite
	0.794	\i. ;96	0,530	"J.131	1/QTR	Composite
1,3-Dichlorobenzene	0.380	0.142	0,254	0.095	1/QTR	Composite
1,4-Dichlorobenzene	0.380	0,142	0.254	0.095	1/QTR	Composite
1,1-Dichloroethane	0.059	0.022	0.039	0.015	1/QTR	Grab
1,2-Dichloroethane	0.574	0.180	0.383	0.120	1/QTR	Grab
1,1-Dichloroethylene	0.060	0.022	0.040	0.015	1/QTR	Grab
1,2-trans-Dichloroethylene	0.066	0.025	0.044	0.017	1/QTR	Grab
1,2-Dichloropropane	0.794	0.196	0.530	0.131	1/QTR	Grab
1,3-Dichloropropylene	0.794	0.196	0.530	0.131	1/QTR	Grab
Diethyl phthalate	0.113	0.046	0.075	0.031	1/QTR	Composite
Dimethyl phthalate	0.047	0.019	0.031	0.013	1/QTR	Composite
4,6-Dinitro-o-cresol	0.277	0.078	0.185	0.052	1/QTR	Composite
Ethylbenzene	0.380	0.142	0.254	0.095	1/QTR	Grab
Fluoranthene	0.054	0.022	0.036	0.015	1/QTR	Composite
Fluorene	0.047	0.019	0.031	0.013	1/QTR	Composite
Hexachlorobenzene	0.794	0.196	0.530	0.131	1/QTR	Composite
Hexachlorobutadiene	0.380	0.142	0.254	0.095	1/QTR	Composite
Hexachloroethane	0.794	0.196	0.530	0.131	1/QTR	Composite
Methyl chloride	0.295	0.110	0.197	0.073	1/QTR	Grab
Methylene chloride	0.170	0.036	0.113	0.024	1/QTR	Grab
Naphthalene	0.047	0.019	0.031	0,013	1/QTR	Composite

PART I. A. DISCHARGE LIMITATIONS AND SELF-MONITORING REQUIREMENTS FOR SAMPLING LOCATION 151001

POLLUTANTS	LIMITS: CONCENTRATIONS MAX. DAILY (mg/L)	CONCENTRATIONS MAX. MONTHLY (mg/L)	LOADINGS MAX. DAILY (lbs/day)	LOADINGS MAX. MONTHLY (lbs/day)	SAMPLE FREQ.	SAMPLE TYPE
Nitrobenzene	6.402	2,237	4.271	1.493	1/QTR	Composite
2-Nitrophenol	0.231	0.065	0.154	0.043	1/QTR	Composite
4-Nitrophenol	0.576	0.162	0.384	0.108	1/QTR	Composite
Phenanthrene	0.047	0.019	0.031	0.013	1/QTR	Composite
Pyrene	0.048	0.020	0.032	0.013	1/QTR	Composite
Tetrachloroethylene	0.164	0.052	0.109	0.035	1/QTR	Grab
Toluene	0.074	0.028	0.049	0.019	1/QTR	Grab
1,2,4-Trichlorobenzene	0.794	0.196	0.530	0.131	1/QTR	Composite
1,1,1-Trichloroethane	0.059	0.022	0.039	0.015	1/QTR	Grab
	0.127	0.032	0.085	0.021	1/QTR	Grab
Trichloroethylene	0.069	0.026	0.046	0.017	1/QTR	Grab
Vinyl chloride	0.172	0.097	0.115	0.065	1/QTR	Grab

PART I.E. OTHER SELF-MONITORING REQUIREMENTS

A) Samples shall be taken at the following location(s):

151001 - Sampling manhole located in the City right of way, and 250 degrees from the fire hydrant on the northwest comer of Woodford Avenue and Garden Street, and 25 degrees from the center of Aztec Gate E, and 195 degrees from utility pole P675.

151002 - For security reasons, the industry may sample from the standpipe in the final effluent discharge line located in Building 23 on the East side of the building. It has been verified that no other discharge enters this final effluent discharge line between the standpipe and sampling manhole #151001.

B) Samples shall be taken during normal operating hours and normal operating conditions within a twenty-four (24) hour period.

C) Samples shall be composite type except for pH, oil and grease, mercury, and volatile organics. Grab samples shall be used for these exceptions.

D) Composite samples shall consist of a minimum of eight (8) discrete samples taken at equal time intervals over the compositing period, or proportional to the flow rate over the compositing period. More thin the minimum number of discrete samples shall be taken where the wastewater loading is highly variable and/or whenever it is known that the industry is having problems with a discharge limit for any parameter listed in this permit.

E) A grab sample shall mean a sample which is taken from a wastewater discharge on a one-time basis without regard to the flow rate or consideration *of:* time.

F) Samples shall be collected in such a manner as to be representative of. the composition of the wastes. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time of collection.

G) All tests shall be done by independent laboratories unless pre-approved by the Elyria Water Pollution Control Board and indicated within this permit

H) The permittee shall employ sampling and analytical procedures according to 40 CFR 136, as amended, or those that are acceptable

to the Elyria Water Pollution Control Board.

I) The pH shall be measured continuously, or with a minimum of eight (8) grab samples taken at equal time intervals for each day of production and/or discharge. Where the discharge pH is highly variable, hourly grabs shall be obtained throughout the production day. These measurements may be performed by the permittee using approved methods. All results from pH self-monitoring shall be included in the quarterly self-monitoring report- The permittee shall not discharge or cause to be discharged any waters or wastes having a pH lower than 6.0 or higher than 10.0 standard units. Free acids and alkalis must be neutralized at all times. The permittee shall notify the Superintendent immediately whenever the discharge pH is lower than 5.0 or greater than 11.') S.U.

J) The permittee shall not discharge or cause to be discharged any waters, wastes, chemicals, substances or materials capable of, either alone or in combination with any other substances in the sanitary sewer, causing corrosion or any other damage to the structures and/or equipment of the sewage collection system and/or City of Elyria Wastewater Pollution Control Plant.

K) The permittee shall not discharge or cause to be discharged any pollutants which cause inhibition, pass through and/or interference or other problems with the City of Elyria Wastewater Pollution Control Plant.

L) Oil and grease shall be measured from a minimum of one (1) grab sample taken during a sampling day. Every effort shall be made to obtain the most representative sample for each grab. Each sample shall be collected directly into a properly cleaned container and then preserved per the appropriate method. The sample shall not be subdivided, nor come into contact with any other sampling equipment. Whenever more than one grab sample is collected during a sampling day, the grab samples shall not be composited, but shall be analyzed separately and their results averaged to obtain the oil and grease value for that sampling day. Refer to 40 CFR 136 for oil and grease testing methods.

M) Cyanide shall be measured from a minimum of one (1) grab sample taken during a sampling day. Every effort shall be made to obtain the most representative sample for each grab. Whenever more than one grab sample is collected during a sampling day, each grab sample shall be collected directly into a properly cleaned container, and then composited into a properly cleaned container with preservative per the appropriate method. The composite sample shall be analyzed for cyanide concentration. Refer to 40 CFR 136 for cyanide testing methods.

N) Mercury shall be measured using the new trace level mercury method 1631. Method 1631 requires a grab sample collected using

clean sampling techniques to avoid contamination of the sample with non-discharge mercury sources. The permittee shall consult EPA guidance documents and obtain information from the laboratory performing the mercury analysis for the proper sampling protocol.

0) The effluent discharge flow rate shall be measured daily by verifiable methods approved by the City. The daily discharge flow rates shall be reported in the quarterly self-monitoring report. Aztec Peroxides shall make available daily flow rates upon request to the City for use during sampling events.

P) The results of self-monitoring shall be reported according to Part II (A) of this permit.

Q) If sampling performed by the permittee indicates a violation, the permittee shall notify the City **within twenty-four (24) hours** of becoming aware of the violation. The permittee shall also repeat the sampling and analysis **within three (3)** days and submit both of the results to the City within thirty (30) days after becoming aware of the violation. This is in addition to any self-monitoring sampling and analyses required by this permit.

R) If sampling performed by the City indicates a violation, the permittee shall repeat the sampling and analysis **within three** (3) **days** of notification of the violation and shall submit a copy of the retest results to the City **within thirty (30)** days of notification of the violation.

S) If the permittee self-monitors for any pollutant more frequently than required by the City using procedures according to 40 CFR 136 or those acceptable to the Elyria Water Pollution Control Board, then the results from this additional testing shall be included in the quarterly self-monitoring reports.

PART II . REPORTING

A) The results of self-monitoring required by this permit shall be reported on a quarterly basis. The report for each quarter shall be received by the Superintendent of the Wastewater Pollution Control Plant no later than the last day of March, June, September, and December, respectively. Each report shall include the following information:

1) The results of all required analyses on the form provided or acceptable by the City.

2) An indication of the permittee's compliance with applicable discharge limitations and, for instances of non-compliance, a statement as to corrective actions taken or planned in order to return to compliance.

3) The exact place, date, and time of sampling.

4) The sampling procedures used (i.e., automatic, manual, composite, grab, frequency of samples, etc.).

5) The laboratory performing the analyses and a copy of their reports.

6) The daily flow rates of the effluent discharged through sampling location 151001, in gallons per day using the form provided or approved by the City.

B) The permittee shall complete a Compliance Schedule on the form provided by the City and submit it for approval to the Superintendent of the Wastewater Pollution Control Plant where any new, additional, upgrading of, or modifying of pretreatment facilities and/or operation and maintenance activities are planned or required to comply with applicable discharge limitations, to comply with other pretreatment requirements, or for any other reason. The permittee shall also submit to the Superintendent a Compliance Schedule Progress Report on the form provided by the City not later than fourteen (14) days following each scheduled completion date for each Increment of Progress in the Compliance Schedule and the final compliance date. Written approval must be obtained from both the City and the Ohio EPA for plans and specifications of my pretreatment facilities before construction and installation commence.

C) The permittee shall notify the Superintendent of the Wastewater Pollution Control Plant immediately upon the occurrence of a slug or accidental discharge of materials or substances prohibited or regulated by this permit or Chapter 932 of the Codified Ordinances of the City of Elyria. The notification shall include:

1) The name and location of the company.

2) The name of the reporting individual and phone number where they can be reached.

3) The time and location of the spill/release.

4) The type of material involved, its volume, and any hazards associated with it.

5) The action being taken to control the spill/release.

A written report shall be filed within five (5) days to the Superintendent of the Wastewater Pollution Control Plant stating the above information and all other information pertinent to the incident.

Signs shall be permanently posted in conspicuous places on the permittees premises advising employees whom to call in the event of a slug or accidental discharge to any sewer, drainage ditch, etc. Employers shall instruct all employees who may cause or discover such a discharge with respect to the emergency notification procedure.

D) The permittee shall submit an updated Spill and Slug Prevention/Control Plan at 1east every two (2) years. The plan shall contain, at a minimum, the items listed in 40 CFR 403.8 (f)(2)(v)(A-D).

E) If the permittee either uses or stores toxic organics, the permittee shall submit, an updated Toxic Organics Management Plan at least every two (2) years along with wastewater discharge analyses for all toxic organics used and/or stored on the premises.

F) All pretreatment systems and equipment shall be operated and maintained in accordance with the manufacturer's design specifications unless prior approval is obtained, in writing, from both Ohio EPA and the City of Elyria Water Pollution Control Board. Any modifications to existing pretreatment facilities and/or addition of new pretreatment equipment shall be approved, in writing, by both Ohio EPA and the City of Elyria Water Pollution Control Board prior to making such modifications and/or additions.

G) The permittee shall notify the Superintendent of the Wastewater Pollution Control Plant within twenty-four (24) hours of first becoming aware of the commencement of an operating upset. Where such information is given orally, the permittee shall file a written follow-up report with the Superintendent within five (5) days. The report shall specify:

1) A description and cause of the upset and the impact of the upset on the user's compliance status.

2) The duration of noncompliance, including exact dates and times of noncompliance. If the noncompliance continues, include the time by which compliance is reasonably expected to occur.

3) All steps taken or to be taken to reduce, eliminate, and/or prevent a recurrence of such an upset or other conditions of noncompliance.

In cases where the upset could cause harm to the public and/or damage to the sewer collection system and/or City of Elyria Wastewater Pollution Control Plant, the permittee shall notify the Superintendent of the Wastewater Pollution Control Plant and any appropriate emergency departments and agencies immediately by any means possible.

An upset shall not be cause for affirmative defense to any enforcement action brought by the City against a user for any noncompliance prohibited by Chapter 932 of the codified ordinances of the City of Elyria, Ohio or any wastewater discharge permit issued pursuant hereto, which arises out of a violation alleged to have occurred during the period of upset.

K) The permittee shall notify the Superintendent of the Wastewater Pollution Control Plant prior to making changes to processes that have or will have a wastewater discharge. The permittee shall obtain approval from the Superintendent prior to any new introduction of wastewater constituents, or any change in the volume or character of the wastewater being introduced into the wastewater treatment system or sanitary sewer, and/or any new or modified discharge to a sanitary sewer, storm sewer or drainage ditch. ' The permittee shall notify the Superintendent of the Wastewater Pollution Control Plant of the discontinuation of discharge from any processes for any period of time due to other than normal operating procedures.

I) The permittee shall submit to the Superintendent an updated Industrial Waste Survey form at least annually or whenever such-changes as noted above occur. The permittee shall include within the Industrial Waste Survey ,a list of all powdered and liquid chemicals in bulk storage on site, including but not limited to detergents, parts cleaners and degreasers, tumbling/deburring mediums, oils and lubricants solvents, acids, bases, oxidizers, other organic or inorganic raw materials in powder or liquid form, along with the average premises. MSDS sheets for each shall be kept on site at all times for inspection purposes and copies shall be submitted to the City upon request.

J) The permittee shall submit to the Superintendent of the Wastewater Pollution Control within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard its status of compliance with the new standard. Within nine (9) months of the promulgation of an applicable Federal Categorical Pretreatment Standard, this permit shall be revised to require compliance with such standard within the time frame prescribed within the standard.

K) All reports required by this permit shall be signed by a responsible corporate officer or a general partner or proprietor of the permittee, or a duly authorized representative of these persons, as outlined in Chapter 932 of the codified ordinances of the City of Elyria, Ohio.

L) If at any time the permittee becomes aware that it failed to submit any pertinent facts, or submitted incorrect, misleading, or incomplete information, the permittee shall immediately submit such facts, information or corrected information to the Superintendent of the Wastewater Pollution Control Plant.

M) The permittee shall file for renewal of this permit at least 180 days prior to the expiration date of this permit.

N) All reports and notifications shall be made to the Superintendent of the Wastewater Pollution Control Plant at: 1134 Gulf Road, Elyria, Ohio 44035, Telephone:(440)366-2211, who will accept them on behalf of the Safety Service Director. If the Superintendent or his representative cannot be reached at the above number, a notification may be made with the the Elyria Fire Department at (440)323-4815.

PART III. SPECIAL CONDITIONS

A) The permittee shall comply with the Federal Organic Chemicals, Plastics and Synthetic Fibers Categorical Pretreatment Standards for existing sources in 40 CFR 414, Subparts H and K, and any other applicable standards *of.* 40 CFR 414.

B) Where process effluent is mixed prior to pretreatment with wastewaters other than those generated by the regulated processes of 40 CFR 414, fixed alternative discharge limitations shall be derived by the permittee by means of the Combined Wastestream Formula (CWF) with written concurrence of the City in accordance with 40 CFR 403.S(e).

C) The permittee shall record, the wastewater discharge flow rate for each day for which a discharge occurs.

D) The permittee's discharge shall not exceed a monthly average of 80,000 gallons per day, and in no case shall the permitee's discharge exceed 100,000 gallons on any single day.

E) The concentration limits are provided in the discharge limits table on pages 2-4 of this permit for reference only. The load limits shall be enforced as per the City of Elyria Pretreatment Program approved Enforcement Response Plan. If, at anytime, the discharge flow rate cannot be accurately obtained, the concentration limits shall be enforced.

F) The discharge limits for 30D5, COD, and TSS shall be granted for only so long as the loadings to the City of Elyria Wastewater Pollution Control Plant do not exceed the design loading capacity of the plant, or cause problems within the sewer collection system or at the wastewater treatment plant.

G) The permittee shall visually inspect the quality of the discharge through sampling location 151001 at least once every eight (8) hours daily and shall take immediate corrective action whenever the discharge quality deteriorates to the point where discharge violations may be imminent. The observations during these inspections and any corrective actions taken shall be recorded and provided to the Superintendent of the Wastewater Pollution Control Plant in the quarterly self-monitoring report.

PART IV GENERAL CONDITIONS

A) The permittee shall comply with Chapter 932 of the Codified Ordinances of the City of Elyria, the Federal General Pretreatment Regulations in 10 CFR 403, the Federal Regulations in 40 CFR 414, and any other applicable Local, State and Federal regulations, as amended.

3) The permittee shall have on site a copy of Chapter 932 of the Codified Ordinances of the City of Elyria, Ohio, as amended. Copies may be obtained at the Council Clerk's Office or from the Wastewater Pollution Control Plant. Pretreatment Department for a nominal copying fee.

C) The permittee shall not increase the use of potable or process water in any way or mix separate wastestreams for the purpose of diluting a wastewater as a partial or complete substitute for •adequate treatment to achieve compliance with the limitations and standards contained in this permit.

E) The permittee shall dispose of all sludges, residues and spent chemicals generated in accordance with all Federal, State and Local regulations.

E) The permittee shall retain and preserve for no less than three (3) years any. records, books, documents, memoranda, reports, correspondence, and summaries thereof, relating to monitoring, sampling, and chemical analyses made by or on behalf of the permittee in connection with its discharge.

F) The Safety-Service Director and duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all properties of the permittee according to Chapter 932 of the Codified ordinances of the City of Elyria, as amended.

G) The permittee shall be subject to sewer use charges and fees according to Chapter 937 of the Codified Ordinances of the City of Elyria, as amended.

H) A Wastewater Discharge Permit is issued to a specific User for a specific operation. This permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Superintendent of the Wastewater Pollution Control Plant.

I) The terms and conditions of this permit may be subject to modification by the City within the term of the permit due to changes in limitations or requirements or other just cause. The permittee shall be informed of any proposed change in its permit at least thirty (30) days prior to the effective date of such change. Any change or new condition in this permit shall include

a reasonable time schedule for compliance.

J} The City may suspend this permit for any violation of the conditions of this permit in accordance with Chapter 932 of the Codified Ordinances of the City of Elyria, violations of the conditions of this permit and of Chapter 932 of the Codified Ordinances of the City of Elyria are subject to the penalties described in Chapter 932 of the Codified Ordinances of the City of Elyria, as amended.

K) No statement contained in this permit shall relieve the permittee from any requirement not specified within this permit. It is the responsibility of the permittee to comply with all applicable Federal, State and Local regulations.

L) The provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

M) The permittee shall not discharge any pollutants which cause damage or blockage within the sewer collection system or cause pass through, inhibition, or interference with the Wastewater Pollution Control Plant.

Exhibit B

AZTEC PEROXIDES
555 Garden Street
Elyria.. OH 44036-4003
IU Permit No. 151 (Effective 5/3/00 to 5/2/2003; 4/7/2003 to 4/6/2005)

TABLE OF VIOLATIONS of EFFLUENT LIMITS

Date	Parameter	Unit	Limit	Measured/ Calcd. Value	Analysis mg/1	Flow gpd	% Exceedance
03/13/98	TSS daily max	lbs/d	534	3882	6040	77000	627
03/18/98	COD daily ma:	lbs/d	6072	7073	11300	75000	16
05/06/98	TSS daily max	lbs/d	534	546	828	79000	2
06/30/98	COD, 30-day a	lbs/d	2002	2146			7
07/23/98	TSS. daily ma>	lbs/d	534	986	976	121000	85
09/30/98	COD. 30-day a	lbs/d	2002	2219			11
10/02/98	TSS, daily ma>	lbs/d	534	666	868	92000	25
12/02/98	O&G daily ma	lbs/d	33	112	170	79000	240
04/07/99	COD daily ma:	lbs/d	4006	5386	8170	79000	34
04/20/99	COD daily ma:	lbs/d	4006	6208	9415	79000	**55**
04/21/99	COD daily ma:	lbs/d	4006	6486	9963	78000	**62**
04/30/99	COD, 30-day a	lbs/d	3338	4395			32
05/19/99	COD daily ma:	lbs/d	4006	5021	6400	94000	25
05/26/99	COD daily ma:	lbs/d	4006	4469	5636	95000	12
05/31/99	COD, 30-day a	lbs/d	3338	3837			15
06/02/99	COD daily ma:	lbs/d	2804	6016	6931	104000	115
06/08/99	COD daily ma:	lbs/d	2804	5702	6901	99000	103
06/09/99	COD daily ma:	lbs/d	2804	5680	6874	99000	103
06/16/99	COD daily ma:	lbs/d	2804	4862	6198	94000	73
06/18/99	Total mercury,	mg/1	0.002	0.005	0.005		150
06/18/99	COD daily ma:	lbs/d	2804	4079	6604	74000	45
06/21/99	COD daily ma:	lbs/d	2804	3437	5565	74000	23
06/22/99	COD daily ma:	lbs/d	2804	3669	5941	74000	31
06/23/99	TSS daily max	lbs/d	534	766	2040	45000	43
06/30/99	COD, 30-day a	lbs/d	2003	4466			123
07/01/99	COD daily ma:	lbs/d	2804	3147	4055	93000	12
07/02/99	COD daily ma:	lbs/d	2804	3396	4238	96000	21
07/03/99	COD daily ma:	lbs/d	2804	3101	3871	96000	11
07/04/99	COD daily ma:	lbs/d	2804	3118	3891	96000	11
07/05/99	COD daily ma:	lbs/d	2804	3038	3792	96000	8
Date	Parameter	Unit	Limit	Measured/ Calcd. Value	Analysis mg/1	Flow gpd	% Exceedance
07/06/99	COD daily ma:	lbs/d	2804	3891	4238	110000	39
07/07/99	COD daily ma:	lbs/d	2804	3643	3897	112000	30
07/08/99	COD daily max	lbs/d	2804	3465	4237	98000	24
07/09/99	COD daily ma:	lbs/d	2804	3373	4124	98000	20
07/10/99	COD daily ma:	lbs/d	2804	2991	3657	98000	7
07/11/99	COD daily ma:	lbs/d	2804	2967	3628	98000	6
07/12/99	COD daily ma:	lbs/d	2804	3546	3794	112000	26
07/13/99	COD daily max	lbs/d	2804	4398	4216	125000	57
07/14/99	COD daily ma:	lbs/d	2804	3270	4039	97000	17
07/15/99	COD daily ma:	lbs/d	2804	2921	3608	97000	4

Date	Parameter	Unit	Limit	Measured/ Calcd. Value	Analysis mg/1	Flow gpd	% Exceedance
07/31/99	COD, 30-day a	lbs/d	2003	2573			
08/18/99	COD daily ma:	lbs/d	2804	3449	3936	105000	23
08/19/99	COD daily ma:	lbs/d	2804	2921	3333	105000	4
08/20/99	COD daily ma:	lbs/d	2804	3036	3465	105000	8
08/21/99	COD daily ma:	lbs/d	2804	3408	3889	105000	22
08/22/99	COD daily ma:	lbs/d	2804	3382	3859	105000	21
08/23/99	COD daily ma:	lbs/d	2804	3088	4253	87000	10
08/26/99	COD daily ma:	lbs/d	2804	3025	3897	93000	8
08/27/99	COD daily ma:	lbs/d	2804	2953	3804	93000	5
08/31/99	COD daily ma:	lbs/d	2804	3021	3892	93000	8
09/01/99	COD daily ma:	lbs/d	2804	3643	4157	105000	30
09/02/99	COD daily ma:	lbs/d	2804	3967	4660	102000	41
09/03/99	COD daily ma:	lbs/d	2804	4187	4918	102000	49
09/07/99	COD daily ma:	lbs/d	2804	2969	5010	71000	6
09/08/99	COD daily ma:	lbs/d	2804	3183	5371	71000	14
09/15/99	COD daily ma:	lbs/d	2804	2982	5032	71000	6
09/17/99	COD daily ma:	lbs/d	2804	5481	7637	86000	95
09/18/99	TSS daily max	lbs/d	534	7752	10800	86000	1352
09/18/99	COD daily ma:	lbs/d	2804	5860	8165	86000	109
09/19/99	COD daily ma:	lbs/d	2804	5805	8088	86000	107
09/19/99	TSS daily max	lbs/d	534	10336	14400	86000	1836
09/20/99	TSS daily max	lbs/d	534	13384	21100	76000	2406
09/20/99	COD daily ma;	lbs/d	2804	5541	8736	76000	98
09/21/99	COD daily ma:	lbs/d	2804	5330	8187	78000	90
09/21/99	TSS daily max	lbs/d	534	16502	25350	78000	2990
09/22/99	COD daily ma:	lbs/d	2804	4918	7555	78000	75
09/22/99	TSS daily max	lbs/d	534	3320	5100	78000	522
09/23/99	COD daily ma:	lbs/d	2804	4311	6887	75000	54
09/23/99	TSS daily max	lbs/d	534	2629	4200	75000	392
09/30/99	COD. 30-day a	lbs/d	2003	4101			105
10/01/99	NH3-N. daily i	lbs/d	27	152	170	107000	462
10/01/99	TSS daily max	lbs/d	534	2456	2750	107000	360
10/01/99	COD daily ma:	lbs/d	4003	6935	7766	107000	73
10/02/99	TSS daily max	lbs/d	534	1522	2400	76000	185
10/02/99	COD daily max	lbs/d	4003	5164	8141	76000	29
10/03/99	TSS daily max	lbs/d	534	1903	3000	76000	256
10/03/99	COD daily ma:	lbs/d	4003	5109	8054	76000	28
10/04/99	TSS daily max	lbs/d	534	1713	2700	76000	221
10/04/99	COD daily ma:	lbs/d	4003	5095	8033	76000	27
10/05/99	TSS daily max	lbs/d	534	3301	3470	114000	518
10/05/99	COD daily ma:	lbs/d	4003	7007	7365	114000	75
10/06/99	COD daily ma;	lbs/d	4003	6264	7014	107000	56
10/06/99	TSS daily max	lbs/d	534	2416	2705	107000	352
10/07/99	TSS daily max	lbs/d	534	2077	2735	91000	289
10/07/99	COD daily ma;	lbs/d	4003	5274	6944	91000	32
10/08/99	TSS daily max	lbs/d	534	1762	2575	82000	230
10/08/99	COD daily ma:	lbs/d	4003	4781	6986	82000	19
10/09/99	COD daily ma:	lbs/d	4003	5198	7596	82000	30
10/09/99	TSS daily max	lbs/d	534	1054	1540	82000	97
10/10/99	COD daily ma;	lbs/d	4003	5094	7444	82000	27

Date	Parameter	Unit	Limit	Measured/ Calcd. Value	Analysis mg/1	Flow gPd	% Exceedance
10/10/99	TSS daily max	lbs/d	4003	4949	24C	82000	
10/11/99	COD daily ma:	lbs/d	4003	4949	7232	82000	24
10/11/99	TSS daily max	lbs/d	534	1485	2170	82000	178
10/13/99	TSS daily max	lbs/d	534	1274	2120	72000	139
10/13/99	COD daily ma:	lbs/d	4003	4555	7581	72000	14
10/14/99	TSS daily max	lbs/d	534	1413	2090	81000	165
10/14/99	COD daily ma:	lbs/d	4003	5183	7667	81000	29
10/15/99	TSS daily max	lbs/d	534	1073	1495	86000	101
10/15/99	COD daily ma:	lbs/d	4003	5510	7677	86000	38
10/16/99	TSS daily max	lbs/d	534	1053	1450	87000	97
10/16/99	COD daily ma:	lbs/d	4003	5677	7818	87000	42
10/17/99	TSS daily max	lbs/d	534	755	1040	87000	41
10/17/99	COD daily ma:	lbs/d	4003	6022	8293	87000	50
10/18/99	COD daily ma:	lbs/d	4003	4519	7626	71000	13
10/18/99	TSS daily max	lbs/d	534	776	1310	71000	45
10/19/99	COD daily max	lbs/d	4003	5702	7677	89000	42
10/19/99	TSS daily max	lbs/d	534	587	790	89000	10
10/20/99	TSS daily max	lbs/d	534	1058	1440	88000	98
10/20/99	COD daily ma:	lbs/d	4003	5564	7576	88000	39
10/21/99	TSS daily max	lbs/d	534	1300	1770	88000	143
10/21/99	COD daily ma:	lbs/d	4003	6057	8247	88000	51
10/22/99	COD daily ma:	lbs/d	4003	5435	7400	88000	36
10/23/99	COD daily ma:	lbs/d	4003	5980	7237	99000	49
10/23/99	TSS daily max	lbs/d	534	1132	1370	99000	112
10/24/99	COD daily ma:	lbs/d	4003	5558	7928	84000	39
10/25/99	COD daily ma:	lbs/d	4003	6729	9485	85000	68
10/26/99	COD daily ma:	lbs/d	4003	4972	7009	85000	24
10/27/99	COD daily ma:	lbs/d	4003	4746	6935	82000	19
10/28/99	COD daily ma:	lbs/d	4003	4294	6953	74000	7
10/29/99	COD daily ma:	lbs/d	4003	4753	7802	73000	19
10/30/99	COD daily ma:	lbs/d	4003	4758	7810	73000	19
10/30/99	TSS daily max	lbs/d	534	564	925	73000	6
10/31/99	TSS daily max	lbs/d	534	780	1280	73000	46
10/31/99	COD daily ma:	lbs/d	4003	4816	7905	73000	20
10/31/99	COD, 30-day a	lbs/d	3336	4645			39
11/01/99	TSS daily max	lbs/d	534	908	1490	73000	70
11/03/99	TSS daily max	lbs/d	534	1080	1680	77000	102
11/03/99	Total mercury,	mg/1	0.002	0.0050			150
11/04/99	TSS daily max	lbs/d	534	964	1540	75000	81
11/06/99	TSS daily max	lbs/d	534	582	930	75000	9
11/07/99	TSS daily max	lbs/d	534	620	940	79000	16
11/09/99	TSS daily max	lbs/d	534	548	980	67000	3
11/10/99	TSS daily max	lbs/d	534	623	900	83000	17
11/11/99	COD daily ma:	lbs/d	6076	6511	9400	83000	7
11/19/99	Total mercury.	mg/1	0.002	0.0028			40
11/20/99	Total mercury.	mg/1	0.002	0.0030			50
11/21/99	Total mercury.	mg/1	0.002	0.0031			55
11/22/99	Total mercury.	mg/1	0.002	0.0032			60
11/23/99	Total mercury.	mg/1	0.002	0.0029			45
11/24/99	Total mercury.	mg/1	0.002	0.0030			50

02/15/00	TSS daily max	lbs/d	534	1365	2U/	8/03/20	isfi 156

Date	Parameter	Unit	Limit	Measured/ Calcd. Value	Analysis mg/1	Flow gpd	% Exceedance
02/16/00	Total mercury,	mg/1	0.002	0.0035			77
02/17/00	TSS daily max	lbs/d	534	1465	2340	75000	174
02/17/00	Total mercury.	mg/1	0.002	0.0026			30
02/25/00	TSS daily max	lbs/d	534	608	910	80000	14
04/03/00	COD daily ma:	lbs/d	4003	4168	6748	74000	4
04/04/00	COD daily ma:	lbs/d	4003	4370	6889	76000	9
04/07/00	COD daily ma:	lbs/d	4003	4803	7105	81000	20
04/27/00	TSS daily max	lbs/d	534	2005	2310	104000	275
04/27/00	Total mercury,	mg/1	0.002	0.0050			150
04/27/00	COD daily ma:	lbs/d	4003	5288	6092	104000	32
04/28/00	Total mercury.	mg/1	0.002	0.0059			195
04/30/00	Total mercury.	mg/1	0.002	0.0031			57
05/01/00	Total mercury,	mg/1	0.002	0.0050			150
05/02/00	Total mercury,	mg/1	0.002	0.0027			35
05/02/00	TSS, daily ma>	lbs/d	534	664	1170	68000	24
08/08/00	Methyl chloride	lbs/d	0.197	1.009	1.53	79000	412
08/31/00	Methyl chloride	lbs/d	0.073	0.521			613
08/31/00	Bis(2-ethylhexyl)phthalate, 30-day ave	lbs/d	0.063	0.102	0.155	79000	62
09/12/00	COD daily ma:	lbs/d	2802	3073	5337	69000	10
10/31/00	Methyl chloride	lbs/d	0.197	0.412	1.203	41000	109
10/31/00	Methyl chloride	lbs/d	0.073	0.412	1.203	41000	464
01/31/01	Methyl chloride	lbs/d	0.073	0.092	0.251	44,000	26
03/06/01	BOD, daily ma	mg/1	800	1200	1200	30000	50
05/08/01	COD daily max	lbs/d	4006	4738	8113	69975	18
05/15/01	COD daily ma;	lbs/d	4006	4856	8253	70500	21
05/22/01	COD daily ma:	lbs/d	4006	4128	6834	72375	3
05/29/01	COD daily ma;	lbs/d	4006	5667	7133	95200	41
05/31/01	COD, 30-day a	lbs/d	3336	4389			32
06/01/01	COD daily ma:	lbs/d	2802	2902	6021	57750	4
06/05/01	COD daily ma;	lbs/d	2802	2882	4258	81100	3
08/31/01	TSS daily max	lbs/d	534	625	1560	48000	17
09/04/01	TSS daily max	lbs/d	534	612	1120	65500	15
09/05/01	TSS daily max	lbs/d	534	606	1320	55000	13
09/06/01	TSS daily max	lbs/d	534	631	900	84000	18
09/08/01	TSS daily max	lbs/d	534	647	1140	68000	21
09/09/01	TSS daily max	lbs/d	534	636	1120	68000	19

Date	Parameter	Unit	Limit	Measured/ Calcd. Value	Analysis mg/1	Flow gpd	% Exceedance
09/10/01	TSS daily max	lbs/d	534	692	1220	68000	30
09/11/01	TSS daily max	lbs/d	534	764	1220	75000	43
09/11/01	l,2-trans dichlor	lbs/d	0.044	0.106	0.17	75000	142
12/04/01	DNB phthalate	lbs/d	0.029	0.037	0.0765	58500	29
12/31/01	DNB phthalate	lbs/d	0.013	0.037	0.0765	58500	187
02/13/02	TSS daily max	lbs/d	534	698	1045	80000	31
02/15/02	Total mercury.	mg/1	0.002	0.0029			47
03/05/02	BOD, daily ma	lbs/d	534	718	1720	50000	34
03/14/02	TSS daily max	lbs/d	534	5508	16500	40000	932

03/15/02	TSS daily max	lbs/d	534	4927	1640	36000	823
03/16/02	TSS daily max	lbs/d	534	5989	15600	46000	1022
03/17/02	TSS daily max	lbs/d	534	4108	10700	46000	669
03/18/02	TSS daily max	lbs/d	534	4338	11300	46000	712
03/19/02	TSS daily max	lbs/d	534	4173	10000	50000	681
03/20/02	TSS daily max	lbs/d	534	1135	6800	20000	113
04/01/02	TSS daily max	lbs/d	534	3906	7800	60000	631
04/02/02	TSS daily max	lbs/d	534	1467	2930	60000	175
04/03/02	TSS daily max	lbs/d	534	3806	5700	80000	613
04/08/02	TSS daily max	lbs/d	534	1669	2500	80000	213
04/09/02	TSS daily max	lbs/d	534	1536	2300	80000	188
04/10/02	TSS daily max	lbs/d	534	1352	1800	90000	153
05/22/02	COD daily ma:	lbs/d	4003	4362	8040	65000	9
05/23/02	COD daily ma:	lbs/d	4003	4031	6900	70000	1
05/28/02	TSS daily max	lbs/d	534	543	930	70000	2
06/03/02	TSS daily max	lbs/d	534	1451	2800	62089	172
06/04/02	TSS daily max	lbs/d	534	548	1100	59707	3
07/01/02	TSS daily max	lbs/d	534	812	1120	86879	52
07/03/02	TSS daily max	lbs/d	534	1254	1700	88353	135
07/04/02	TSS daily max	lbs/d	534	1446	2280	75982	171
07/07/02	TSS daily max	lbs/d	534	832	1840	54156	56
08/11/02	TSS daily max	lbs/d	534	829		82939	55
08/13/02	TSS daily max	lbs/d	534	639		97096	20
08/22/02	TSS daily max	lbs/d	534	869		74509	63
08/23/02	TSS daily max	lbs/d	534	862		94159	61
06/04/03	TSS daily max	lbs/d	534	1048	2040	61532	96
06/05/03	TSS daily max	lbs/d	534	701	2570	32671	31
06/09/03	TSS daily max	lbs/d	534	551	840	78561	3
Date	Parameter	Unit	Limit	Measured' Calcd. Value	Analysis mg/1	Flow gpd	% Exceedance
06/26/03	TSS daily max	lbs/d	534	834	1390	71882	56

Acronyms and Abbreviations:

ave	average
BOD	biochemical oxygen demand
COD	Chemical Oxygen Demand
DNB	di-n-butyl
lbs/d	pounds per day
max	maximum
mg/1	milligrams per liter
NH3-N	ammonia (as nitrogen)
O&G	Oil & Grease
TSS	Total Suspended Solids

Exhibit C

AZTEC PEROXIDES
255 Garden Street
Elyria, OH 44036-4003
IU Permit No. 151(Effective 5/3/00 to 5/2/2003; 4/7/2003 to 4/6/2005)

TABLE OF MONITORING AND REPORTING VIOLATIONS

Date	Pollutant(s)	Reg. Violated	Description of Violation(s)
02/04/98	(19) VOCs	40 CFR 403.12(g)(3	MDLs greater than daily limits for 12 and monthly limits for 19 pollutants
05/06/98	(19) VOCs	40 CFR 403.12(g)(3	MDLs greater than daily limits for 12 and monthly limits for 19 pollutants
07/08/98	(11) metals	40 CFR 403.12(g)(4	Used unapproved test method, 200.8, for 11 metals
08/05/98	(19) VOCs	40 CFR 403.12(g)(3	MDLs greater than daily limits for 12 and monthly limits for 19 pollutants
09/02/98	(12) metals	40 CFR 403.12(g)(4	Used unapproved test methods, 200.8, for 11 metals and 7470A for mercury
11/04/98	(12) metals	40 CFR 403.12(g)(4	Used unapproved test methods, 200.8, for 11 metals and 7470A for mercury
11/04/98	(19) VOCs	40 CFR 403.12(g)(3	MDLs greater than daily limits for 12 and monthly limits for 19 pollutants
12/02/98	(11) metals	40 CFR 403.12(g)(4	Used unapproved test method, 200.8, for 11 metals
01/06/99	12 metals	40 CFR 403.12(g)(4	Used unapproved test methods, 200.8, for 11 metals and 7470A for mercury
02/02/99	(19) VOCs	40 CFR 403.12(g)(3	MDLs greater than daily limits for 12 and monthly limits for 19 pollutants
02/03/99	(12) metals	40 CFR 403.12(g)(4	Used unapproved test methods, 200.8, for 11 metals and 7470A for mercury
03/03/99	(12) metals	40 CFR 403.12(g)(4	Used unapproved test methods, 200.8, for 11 metals and 7470A for mercury
04/07/99	(12) metals	40 CFR 403.12(g)(4	Used unapproved test method, 200.8, for all 12 metals
05/12/99	(12) metals	40 CFR 403.12(g)(4	Used unapproved test method, 200.8, for all 12 metals
06/02/99	(12) metals	40 CFR 403.12(g)(4	Used unapproved test method, 200.8, for all 12 metals
07/07/99	(12) metals	40 CFR 403.12(g)(4	Used unapproved test method, 200.8, for all 12 metals
08/04/99	(12) metals	40 CFR 403.12(g)(4	Used unapproved test method, 200.8, for all 12 metals
09/08/99	(12) metals	40 CFR 403.12(g)(4	Used unapproved test method, 200.8, for all 12 metals
10/06/99	(12) metals	40 CFR 403.12(g)(4	Used unapproved test method, 200.8, for all 12 metals
11/03/99	(30) VOCs	40 CFR 403.12(g)(3	MDL greater than daily limits for 23, monthly limits for 30 pollutants.
11/03/99	(3) VOCs	40 CFR 403.12(g)	No test results for benzene, dichloropropane and dichloropropylene
12/31/99	(11) metals	40 CFR 403.12(g)	No analysis for metals other than mercury
02/02/00	(3) VOCs	40 CFR 403.12(g)	No test results for benzene, dichloropropane and dichloropropylene
05/02/00	(42) VOCs	40 CFR 403.12(g)	Submitted bad copy of VOC results
06/06/00	various	40 CFR 403.12(g)	No flow data
08/08/00	(29) VOCs	40 CFR 403.12(g)(3	MDL greater than daily limits for 22; monthly limits for 29 pollutants. Methyl chloride and bis-2-ethyl hexyl phthalate not included.

Date	Pollutant(s)	Reg. Violated	Description of Violation(s)
08/08/00	(3) VOCs	40 CFR 403.12(g)	No analytical results for benzene, dichloropropane and dichloropropylene
11/07/00	(28) VOCs	40 CFR 403.12(g)(3	MDLs greater than daily limits for 18 and monthly limits for 28 pollutants
11/07/00	(3) VOCs	40 CFR 403.12(g)	No analytical results for benzene, dichloropropane and dichloropropylene
12/05/00	(13) cpds	40 CFR 403.12(g)(4	Used SW methods, not Part 136, on metals and cyanide
12/31/00	various	40 CFR 403.12(g)	No page 1 of self-monitoring report for Dec. 2000, need flow data to get loading of 7 parameters (20 parameters - 13 above)
02/06/01	(9) VOCs	40 CFR 403.12(g)	No analytical results for 9 pollutants - acenaphthene, anthracene, benzene, bis-2-ethyl hexyl phthalate, dichloropropane, dichloropropylene, and 4,6 - DNOC
08/21/01	(12) VOCs	40 CFR 403.12(g)(3	MDLs greater than daily limits for 8 and monthly limits for 12 pollutants
11/14/01	(9) VOCs	40 CFR 403.12(g)(3	MDLs greater than daily limits for 1 and monthly limits for 9 pollutants
12/04/01	(9) VOCs	40 CFR 403.12(g)(3	MDLs greater than monthly limits for 9 pollutants
01/03/02	(9) VOCs	40 CFR 403.12(g)(3	MDLs greater than monthly limits for 9 pollutants

02/15/02	(21) VOCs	40 CFR 4	.2(g)(3 MDLs greater than daily limits for 14 and monthly limits for 21 pollutants
03/05/02	(14) VOCs	40 CFR 403.12(g)(3	MDLs greater than daily limits for 10 and monthly limits for 14 pollutants
04/25/02	(9) VOCs	40 CFR 403.12(g)(3	MDLs greater than monthly limits for 9 pollutants
05/29/02	(9) VOCs	40 CFR 403.12(g)(3	MDLs greater than monthly limits for 9 pollutants
06/03/02	Tot. Mercury	40 CFR 403.12(g)(4	Used SW method, not Part 136, for total mercury
06/30/02	42 VOCs	40 CFR 403.12(g)	Evidently, no analyses for VOCs
07/09/02	(9) VOCs	40 CFR 403.12(g)(3	MDLs greater than daily limits for 5 and monthly limits for 9 pollutants
08/14/02	(9) VOCs	40 CFR 403.12(g)(3	MDLs greater than monthly limits for 9 pollutants
09/10/02	(9) VOCs	40 CFR 403.12(g)(3	MDLs greater than daily limits for 5 and monthly limits for 9 pollutants
09/30/02	COD	40 CFR 403.12(g)(1	No permit-reqd weekly COD measurement from 9/17/02 to 9/30/02
11/05/02	(9) VOCs	40 CFR 403.12(g)(3	MDLs greater than monthly limits for 9 pollutants
12/11/02	(9) VOCs	40 CFR 403.12(g)(3	MDLs greater than monthly limits for 9 pollutants
01/08/03	(9) VOCs	40 CFR 403.12(g)(3	MDLs greater than monthly limits for 9 pollutants
03/13/03	(8) VOCs	40 CFR 403.12(g)(3	MDLs greater than monthly limits for 8 pollutants
06/30/03	42 VOCs	40 CFR 403.12(g)	No analyses for VOCs
12/31/03	22 SVOCs	40 CFR 403.12(g)	No analysis for SVOCs
09/30/04	22 SVOCs	40 CFR 403.12(g)	No analysis for SVOCs

Symbols Used:
VOCs - Volatile Organic Compounds
SVOCs - Semi-volatile Organic Compounds
MDL - Method Detection Limit
CFR - Code of Federal Regulations
COD - Chemical Oxygen Demand
SW - Solid Waste